

Tax Map/Block/Parcel
No. 52-7-529

Building Permit/Zoning
Certificate No. 05-0856

Case 5068

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: Link-Singer, LLC
2625 Old Washington Road
Westminster, MD 21157

ATTORNEY: Clark R. Shaffer

REQUEST: A conditional use for a retirement community consisting of 36 dwelling units.

LOCATION: The site is located at the north side of Kate Wagner Road, Westminster, on property zoned "R-40,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-186 A (2) and 223-64 D

HEARING HELD: July 21 & July 26, 2005

FINDINGS AND CONCLUSION

On July 21 & July 26, 2005, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a retirement community consisting of 36 dwelling units. The Board made the following findings and conclusion:

The proposed subdivision consists of 36 age restricted (55 yrs.+) condominium homes. The property is 6.92 acres located along the north side of Kate Wagner Road, west of MD Route 32 and east of Gist Road. The development will have one entrance onto Kate Wagner Road. The surrounding neighborhood is largely residential with some agricultural uses to the south.

The condominium units will be two-story, with exterior maintenance provided by a homeowners association. The Board heard credible expert testimony that the existing road network servicing the proposed subdivision is and will be adequate and that property values in the immediate area will not be adversely affected by this development. The property will be served with public water and sewer by the City of Westminster.

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The Board finds that, although this is an attractive plan for a retirement community, this is simply not a proper location for such a large scale project. The subject property is only 6.9 acres. However, it is proposed that 5.2 units per gross acre be squeezed onto the site. The density is inconsistent with the surrounding neighborhood and too intense for this relatively small site. In addition, development of the property in this manner will require that a significant grade differential between neighboring residences be addressed. A long retaining wall with varying heights of up to 70 feet is proposed for this purpose. This further illustrates the unsuitability of the property for this purpose. The construction of the retaining walls and pavement could alter the underlying aquifer, possibly resulting in a failure of wells and/or septic systems of neighboring properties which are not served by public water and sewer.

Based on the above, the Board finds that the proposed use at this location will generate adverse affects above and beyond those normally associated with such a use. Accordingly, the conditional use is denied.

8/25/05

Date

Jacob M. Yingling
Jacob M. Yingling, Chairman