

**Tax Map/Block/Parcel
No. 74-15-59**

**Building Permit/Zoning
Certificate No. 05-0555**

Case 5053

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

APPLICANT: Nell's Acres, LLC
10 Venture Way, Suite A
Sykesville, MD 21784

ATTORNEY: Clark R. Shaffer

REQUEST: A conditional use for a retirement home community.

LOCATION: The site is located on MD Rte. 26 (Liberty Road), near Liberty Dam, Sykesville, on property zoned "R-40,000" Residential District in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-63 D, 223-66 B and 223-186 B

HEARING HELD: April 28 and July 26, 2005

FINDINGS AND CONCLUSION

On April 28 and July 26, 2005, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a retirement home community. The Board made the following findings and conclusion:

The Applicant is proposing to build "Section Two" of a retirement community known as "Nell's Acres". It will consist of 312 condominium units on a 24 acre parcel zoned R-40,000. The property is located on the south side of MD Rte. 26 (Liberty Road) and is adjacent to another section of Nell's Acres. The proposed development will target active senior citizens, ages 55 and over.

Access to the condominiums from Liberty Road will be via Fallon Road through an entrance that currently serves another section of Nell's Acres. The property is bordered to the east by the Liberty Reservoir and to the north by Liberty Road. In addition there will be an area designated as open space which will serve as a screen between the development and properties to the east and west.

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The height of the condominium buildings will be approximately 37 feet. Living space in the condominiums will be between 1,050 and 1,200 square feet. The facility's residents are unlikely to generate any school age children. The Board heard credible testimony from a qualified environmental expert that the regulatory scheme in place will greatly reduce or eliminate adverse environmental hazards to the Liberty Reservoir from this development.

The Board heard credible expert testimony that this use will not adversely affect traffic conditions in the vicinity of the site. Traffic generated by the proposed development will be minimal, as the residents are expected to be retirees who do not travel at peak hours. In addition, the Board received credible, expert uncontroverted testimony that property values in the neighborhood will not be adversely affected by this development.

Based upon all of the above, the Board finds that this use at this location will not generate adverse effects above and beyond those normally associated with such a use. Accordingly, the conditional use is granted. This approval is conditioned upon the receipt of prior site plan and exterior design approval from the Planning and Zoning Commission in accordance with Chapter 223-63 (D).

8/25/05

Date

Jacob M. Yingling
Jacob M. Yingling, Chairman