

**Tax Map/Block/Parcel
No. 74-1-732&733**

**Building Permit/Zoning
Certificate No. 99-3254**

Case 4459

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

APPLICANT: Altieri Development Corp.
9017 Red Branch Road, Suite 201
Columbia, MD 21045

ATTORNEY: For Applicant - Clark R. Shaffer, Esquire
6 North Court Street
Westminster, MD 21157

ATTORNEY: For Protestants - Michelle M. Ostrander, Esquire
23 North Center Street
Westminster, MD 21157

REQUEST: A conditional use for a retirement community.

LOCATION: Located at 1801 Bennett Road, Sykesville, MD 21784 on property zoned "R-20,000" Residence District in Election District 5

BASIS: Basis: Article 7; Section 2(c); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: February 25, 2000 continued to February 28, 2000

FINDINGS AND CONCLUSION

On February 25, 2000, the Board of Zoning Appeals (the Board) convened to hear the application of the Altieri Development Corporation (Applicant) proposing to construct a retirement community consisting of 73 villas and 192 condominiums for "active" adults, age 55 and over, on 61.8 acres located at 1801 Bennett Road, Sykesville, Maryland. The Applicant envisions that the villas will be located along Bennett Road and the condominiums will be built at the rear of the property. The community will include a swimming pool and club house.

Based on the testimony of Joseph Cronyn, an expert in real estate research, sales and appraisals, the Board finds that there is a need for the proposed housing. The target consumers are active, upscale retirees prepared to vacate larger homes for the convenience and lower maintenance of a smaller dwelling with a pool and other activities for similarly situated residents. Additionally,

the Board agrees with Mr. Cronyn's analysis that the proposed use would not reduce property values in the existing neighborhood.

Based on the testimony of Wes Guckert, an expert in the fields of traffic engineering and transportation planning, the Board finds that retirement communities such as the one proposed by the Applicants generally generate less traffic than developments of single family homes and townhouses. In addition, the Board finds that the existing road system that will support the proposed use is adequate to handle the additional traffic generated, and the future completion of Monroe Avenue will facilitate the traffic increase even further.

The Board notes that the Applicant intends to preserve an existing graveyard on the property, and will construct a mogulled berm along Bennett Road resembling a rolling hillside to screen the development from neighboring properties. In addition, the Applicant will erect a vinyl fence along Bennett Road, with landscaping to provide even more screening. This will provide a significant buffer between the neighbors and the Applicant's property and further protect property values.

A conditional use should be granted unless there are facts and circumstances that show that the particular use proposed would have a greater adverse effect at the proposed location than it would have if it were located elsewhere within the zone. In the instant case, the Board finds that the Applicant is proposing an attractive community that is consistent with the orderly growth of the neighborhood and will serve the needs of active senior citizens in the County. The use will not adversely affect property values, and the design of the community, with landscaping and a buffer of innovative berms, will not interfere with the peaceful enjoyment of the neighborhood. Any adverse effects (i.e., traffic and noise) would be no greater at this location than elsewhere within the zone. Accordingly, a conditional use for a retirement community at the proposed location is granted, subject to the following conditions:

1. The community shall be "deed restricted" to ages 55 and over.
2. The Applicant shall screen the property with mogulled berms and additional tree landscaping along Bennett Road.

3/24/00

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman