

**Tax Map/Block/Parcel
No. 74-10-93**

**Building Permit/Zoning
Certificate No. 99-2742**

Case 4444

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

APPLICANT: PEP Realty, LLC
2810 Kaywood Place
Sykesville, Maryland 21784

ATTORNEY: Jeffrey H. Scherr, Esquire
Kramer & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

REQUEST: A conditional use and variances, as necessary, for a retirement home in an existing residence.

LOCATION: 6305 Oakland Mills Road, Sykesville, Maryland 21784

BASIS: Basis: Article 7, Section 7.2(c); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: October 25, 1999

FINDINGS AND CONCLUSION

On October 25, 1999, the Board of Zoning Appeals (the Board) convened to hear the application of PEP Realty, LLC for a conditional use and variances, as necessary, for a retirement home in an existing residence located at 6305 Oakland Mills Road on property zoned "R-20,000" Residence District on Election District 5. The following are the Board's Findings and Conclusions.

Mr. Jeffrey Pepper (the "Applicant") is the owner/operator of PEP Realty, LLC, and wishes to operate a retirement home at 6305 Oakland Mills Road offering independent living for senior citizens. The Applicant presented the following testimony. PEP Realty owns the subject property which is a stone ranch home with seven bedrooms and three bathrooms. This property currently has zoning approval for an assisted living facility. A retirement home differs from an assisted living facility in that the retirement home offers an independent living situation, whereas residents of an assisted living facility require constant assistance. The minimum age requirement is to be 55 years but the Applicant expects the typical tenant will probably be over the age of 70. Parking will be provided in an existing area behind the house. The Applicant informed the Board that he had received

many calls from people inquiring about this type of living arrangement. Residents would be charged a monthly fee and will prepare their own meals and will be totally independent. The Applicant is the owner/administrator of an existing business in the area, Oakland Manor, which is a 60 bed, 24 hour care, fully licensed domiciliary care facility.

Mr. Richard S. Evans, a Landscape Architect with Carroll Land Services, Inc. testified that he prepared the Plot Plan. He testified that the Applicant meets the square footage requirements of the Zoning Ordinance for a retirement home. However, the dwelling unit set back line is 36' and a variance from the 40' setback is required. Adequate parking is available with four regular parking spaces and one handicapped space.

There was no one present in opposition to the request. A letter of support from Mr. H. Burgard was presented, as he was unable to attend this hearing.

Based upon the following, the Board hereby grants the conditional use. The Board finds that adverse affects (if any) from the proposed use are no greater at the proposed location than elsewhere in the R-20,000 zone. In addition, the Board finds that since the house on the subject property was erected in 1964 and the Zoning Ordinance was adopted in 1965, the granting of a variance of 4' from the setback requirements is appropriate. The Board finds that undue hardship (i.e., the demolition of a portion of the structure) would result from the strict enforcement of the Zoning Ordinance in this case. A change from the current approved use of an assisted living facility to the proposed use, as a retirement home, is not a drastic change and is an appropriate use for the neighborhood.

The Board hereby approves the request of PEP Realty, LLC for a conditional use for the operation of a retirement home at 6305 Oakland Mills Road, Sykesville, MD, and a variance from the applicable setback requirement from 40 feet to 36 feet is granted.

November 17, 1999

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman