

Tax Map/Block/Parcel
No. 52-20-36/588

Building Permit/Zoning
Certificate No. 98-1374

Case 4327

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANTS: William Cunningham
P.O. Box 788
Finksburg, MD 21048

ATTORNEY: Clark R. Shaffer
6 North Court Street
Westminster, MD 21157

REQUEST: A conditional use for a day care center on two lots on property zoned "R-40,000"

LOCATION: Two lots located on the northeast corner of Grove Lane and Sykesville Road about one-half mile south of Maryland Route 97 in Election District 4

BASIS: Basis: Article 5C, Section 5C.2(b); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: August 10, 1998

FINDINGS AND CONCLUSION

On August 10, 1998, the Board of Zoning Appeals (hereinafter the "Board") convened to hear the conditional use request for a day care center on two lots located on the northeast corner of Grove Lane and Sykesville Road about one-half mile south of Maryland Route 97 in Election District 4 filed by William Cunningham. The subject properties are located in the "R-40,000" Residential Zoning District and are owned by Ernie Walkling, Desca Cooper, and Joan Reese. The applicant is William Cunningham, the contract purchaser of the property.

The following are the Board's findings and conclusions. Mr. William Cunningham has had 12 years experience operating a full-time child care center, with before-and-after school day care. He proposes to acquire two lots, identified as Tract One and Two on the plot plan submitted with the application and identified as "Survey of the Walkling Property" for the purposes of constructing a day care center. The lots comprise a total of 8.37 acres of land. He proposes to combine the two lots into one lot for the purposes of this conditional use. The surrounding neighborhood is agricultural in nature, there are some houses, and a large, local well frequented, restaurant known as "Bullocks" in the immediate

area. There is a long road frontage along Maryland Route 32.

Applicant's Exhibit No. 2, the Playtime Day Care Center site plan reflects the applicant's proposed use of the subject property. He proposes to erect a 100' x 60' structure and a fenced play area with play equipment located in the back of the building. In addition, he plans to construct sufficient parking (35 parking spaces) for the staff and parents utilizing the facility. The day care center will be in operation Monday through Friday from 6:00 a.m. until 6:30 p.m. Children would arrive between the hours of 6:00 a.m. and 9:00 a.m. and would be departing between the hours of 3:00 and 6:30 p.m. The parking lot would only be lit during the hours of operation. There will be a small 3'x 5' sign in the front of the property. The facility will accommodate 108 students and no additional buildings are planned. Mr. Ron Blevins with the firm of B.P.R., Inc. testified that Maryland State Highway Administration would probably require some improvements to Route 32 prior to authorizing the use. The improvements may necessitate a center turning lane and/or an acceleration/deceleration lane. This would constitute as many as four total lanes in front of the proposed use.

An adjoining property owner, Anita Bullock, appeared and testified. Ms. Bullock is concerned because she has operated her restaurant in close proximity to the site and has experienced dangerous traffic conditions as a result of vehicles stacking when one stops to turn into her restaurant. It appears a similar situation would result when vehicles stop and attempt to make a left turn onto this site. Mr. Robert E. Sears, an adjoining property owner also, testified and he is concerned with children who may wander onto his property where he has a horse farm. He is concerned about the traffic problems caused by the proposed use. The Board is also concerned with the potential traffic problem occasioned by the number of vehicles entering or leaving the site during peak traffic hours. The Board hereby approves the request with the strong recommendation that the State Highway Administration consider requiring a center turning lane and an acceleration and deceleration lane, as a condition to approving the site plan for the proposed use. With the condition noted, the Board finds that the use proposed at the location proposed to be no more adverse at this location than elsewhere in the "R40,000" Residential Zone.

August 10, 1998
Date


James L. Schumacher, Chairman

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September 10, 1998