

Tax Map/Block/Parcel
No. 74-15-59 (Parcel A)

Building Permit/Zoning
Certificate No. 96-3081

Case 4150

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Howard H. Patton
10 Venture Way
Sykesville, Maryland 21784

ATTORNEYS: Michael L. Snyder, Esquire
400 Allegheny Avenue
Towson, Maryland 21204

and

Clark R. Shaffer, Esquire
6 North Court Street
Westminster, Maryland 21157

REQUEST: A conditional use request for retirement homes
on Parcel A of Nell's Acres subdivision to be
recorded in the Plat Records of Carroll County

LOCATION: South side of Liberty Road (Md. Rt. 26) about 2,000
feet east of Sunset Drive intersection in Election
District 5

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

On October 24, 1996, the Board of Zoning Appeals held a hearing on the above captioned request. The request is a third in a trilogy of cases involving the proposed Nell's Acres subdivision. The other two cases, 4129 and 4130, involving a day care center and medical clinic were heard and granted by this Board recently. This request is for a conditional use for a retirement community on Parcel A on Nell's Acres subdivision. Nell's Acres is located on the south side of Liberty Road about 2,000 feet east of Sunset Drive intersection on property that is zoned "R-40,000" Residence District.

FINDINGS AND CONCLUSION

As with cases 4129 and 4130, the applicant and developer is Howard H. Patton. The same witnesses and testimony that were presented in the prior cases were presented in the instant case. The proposed use here is for retirement homes for citizens 55 years or older. There will be ten 3-story buildings which would

accommodate or house up to 120 units on the 374,616 square foot parcel. The parcel is screen by woods on the south side.

Mr. Richard Hull testified that the proposed use is compatible to the existing neighborhood. Mr. Carl Starkey, a traffic engineer, testified that the traffic at the intersection of Liberty Road and Marriottsville Road would reach a level of Service D when the property's fully developed. Mr. Patton testified that the proposed use was needed by the community at large and by him to make the project viable as extensive road improvements will be needed for the project. There was no testimony in opposition to the request. There was a letter in opposition, which was part of the record. The letter which was received by facsimile transmission raised concerns that a retirement community will stretch the limits of the ambulance services in the area.

Based on the testimony presented, the Board approves the request. However, in so doing, the Board is not sanctioning the number of units requested. Rather, the Board recognizes the determination of density of the number of units is to be determined by the Carroll County Planning Commission and the Health Department upon review of the site plan. The Board would like to note that is deeply concerned by the traffic conditions on Liberty Road in the immediate area. The Board takes administrative notice and the testimony supports that during peak traffic periods the traffic is extremely heavy on Liberty Road in this vicinity. A level of Service D while deemed acceptable by the State Highway Administration and others, may be unacceptable to those residents in the neighborhood.

Accordingly, the Board in approving the use requested, is doing so in reliance that the site plan review process and the Carroll County Planning Commission will address the dismal traffic conditions on Liberty Road.

11/15/96

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

IM/bmh/c4150dec.bmh
November 7, 1996