

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

Building Permit/Zoning  
Certificates Nos. 96-2308 & 96-2309

Cases 4129 and 4130

CONSOLIDATED 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

**REQUESTS:** CASE 4129--Conditional use request for a day care center proposed for Lot 20, and CASE 4130-- Conditional use request for a medical clinic proposed for Lot 21

**LOCATION:** Lots 20 and 21 of Nell's Acres subdivision to be recorded in the plat records of Carroll County and located on the south side of Liberty Road (Md. Rt. 26) about 2,000 feet east of Sunset Drive intersection in Election District 5

**BASES:** Article 5C, Sections 5C.2(b)(d) and 5C.5;  
Ordinance 1E

On August 28, 1996, the Board of Zoning Appeals held a hearing on the above captioned requests. Although each request was heard separately, the Board is issuing a consolidated opinion as both requests concern the similar facts and issues.

The applicant in each case is Howard H. Patton, who was represented by Michael L. Snyder and Clark R. Shaffer. Case 4129 is a request for a conditional use for a day care center on lot 20 of Nell's Acres subdivision, an as yet unrecorded subdivision. Case 4130 is a request for a conditional use for medical offices on lot 21 of Nell's Acres subdivision. The preliminary plan for Nell's Acres depicts lots 20 and 21 as part of a 37.98 tract of land.

FINDINGS AND CONCLUSION

The following are the Board's findings of facts. Howard H. Patton is the owner and developer of Nell's Acres subdivision. He proposes to conduct a 7,000 square foot day care facility on lot 20 which is depicted as 1.6861 acres± on the plat submitted. The lot is bounded by two roads to be constructed, Marriottsville Road and Ridenour Way. On lot 21, a 9,000 square foot medical building is to house medical offices. The structure will be a 2-story structure of 4,500 square foot each level. The remaining land is intended for residential lots.

Mr. Richard Hull testified the proposed uses are compatible to the existing neighborhood with little or no adverse effects. Mr. Carl F. Starkey, a traffic engineer, testified as a traffic expert and indicated that with all the property fully developed the level of service at the intersection of Liberty Road and Marriottsville Road would be acceptable.

The Board makes the following conclusion of law. Neither the day care center nor the medical center will have adverse effects on the neighboring properties. The uses are therefore approved. However, in light of the proposed uses being located in residential neighborhoods, the Board is imposing the following conditions:

1. The day care facility-- The Board will require that all normal day care activity not commence before 7:00 a.m. and terminate by 7:00 p.m. each day.
2. The medical center-- The Board will also restrict the hours of operation as follows: Except for emergencies, the building may open for business between the hours of 7:00 a.m. to 9:00 p.m., Monday through Saturday and no regular Sunday hours.
3. Both uses shall be subject to the site plan review by the appropriate county agencies.

9/25/96

Date

*Karl V. Reichlin*

Karl V. Reichlin, Chairman

IM/bmh/c4129dec.bmh  
September 18, 1996