

Tax Map/Block/Parcel
No. 73-12-720

Building Permit/Zoning
Certificate No. 96-2871

Case 4144

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Lancelotta and Associates
5054 Dorsey Hall Drive
Suite 201
Ellicott City, Maryland 21042

REQUEST: To amend the previous approval in Case 2470 to allow all of the building to be used for professional offices

LOCATION: 1643 Liberty Road (Md. Rt. 26) in Election District 5; and further identified as Frank's Place subdivision, lot 2 as recorded in the Carroll County Plat Records in Plat Book 27, page 27

BASIS: Article 17, Section 17.2; Ordinance 1E (The Carroll County Zoning Ordinance)

On September 25, 1996, the Carroll County Board of Zoning Appeals held a hearing on the above captioned application.

Mr. Michael Picon, a general partner of Lancelotta and Associates, appeared on behalf of the applicant. Mr. Picon testified that he would like to amend a condition on a previous approval in Case 2613, which was an amendment to two previous cases 2470 and 2242. Case 2242 was a conditional use application to operate "a nursing home with professional offices" on the subject property in a building to be constructed.

The Board reviewed the files and is not clear how such an application was processed or authorized. The property is zoned "R-20,000" Residence District. Section 7.2(c) of the ordinance applicable to such zoning, authorizes among other things not relevant here, nursing and medical and dental clinics as a conditional use. However, Case 2242 authorized a conditional use for a nursing home and professional offices. The Board reviewed the zoning ordinance and found no authority either in the current ordinance or in the ordinance in effect at the time which would permit the substitution of professional offices for medical and dental clinics. Nevertheless, the use was authorized. This apparent error was further exacerbated by condition #4 in Case

2242 wherein the Board waived the time limit of one year for the applicant to start construction. (Now codified in Section 16.2(e)). The building was not constructed at that time. This error was further compounded in Case 2613 when the Board authorized the substitution of "medical or dental clinics or offices" in lieu of the area designated for the nursing home. This resulted in authorization of 60% of the building, to be for professional offices and 40% for medical and dental clinics or offices. Again, the authority for such an amendment escapes this Board as nothing in the Zoning Ordinance authorizes such a use.

In the instant application, the applicant presents that the building has been constructed and the applicant seeks to modify the authorization previously granted to authorize the building to be fully occupied with professional offices. The Board notified the applicant at the hearing that it is without authority to entertain the applicant's request where upon the application was withdrawn.

10/22/96

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

IM/bmh/c4144dec.bmh
October 16, 1996