

Tax Map/Block/Parcel
No. 64-19-61

Building Permit/Zoning
Certificate No. 01-2712

Case 4631

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

APPLICANT: Highland Development Corporation
P.O. Box 228
Clarksville, Maryland 21029-0208

ATTORNEY: Richard R. Titus

REQUEST: An appeal of a decision by an administrative official from a requested waiver/variance of the maximum cul-de-sac length in the proposed Lakeland Heights subdivision.

LOCATION: The site is located at Sykesville Road (MD Rt. 32) approximately ¼ mile south of the intersection with Gamber Road (MD Rt. 91), Finksburg, MD 21048, on property zoned "C" Conservation District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-186 (A) (1)

HEARING HELD: September 26, 2001

FINDINGS AND CONCLUSION

On September 26, 2001, the Board of Zoning Appeals (the Board) convened to hear an appeal of a decision of the Director of the Department of Public Works from a requested waiver/variance of the maximum cul-de-sac length in the proposed Lakeland Heights subdivision.

On July 12, 2001, the Director of the Department of Public Works issued a decision denying a request of the Applicant for a waiver of the maximum cul-de-sac length in the proposed Lakeland Heights subdivision. The denial was based upon an interpretation of standards and regulations set forth in the General Specifications and Standards for Highway and Street Design and Construction (Design Manual) incorporated in the Carroll County Subdivision

Regulations at 203-6 (I). The Applicant appealed this decision to the Board.¹ Based on the evidence presented, the Board makes the following findings of fact.

Carroll County's design manual adopted in 1994 provides that streets with cul-de-sacs can neither exceed 1,500 feet in length, nor can they serve more than 25 lots. There is also a variance procedure in the design manual. The Applicant submitted a proposed subdivision plan with a roadway with a cul-de-sac that was 4,352 feet long.

The Board finds that, under the unique circumstances of this case, a waiver of the design standard is warranted. First, the Board has heard no evidence that the public safety would be threatened by the length of the proposed street. Other cul-de-sac streets in the county have not presented public safety problems. Secondly, a connection of the proposed street with the existing Lakeland Drive would have to traverse protected wetlands, and the state has intimated that the applicant would then have to improve MD Route 32. Finally, the connection is opposed by almost all residents of the existing adjacent neighborhood.

Although the decision of the Public works Director was technically correct, further consideration was warranted. Under these unique circumstances, a waiver of the maximum cul-de-sac length standard was appropriate.

Oct. - 26 - 01

Date

Ronald F. Hoff

Ronald F. Hoff, Chairman

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¹ The Zoning Code at §223-188 provides that the Board may hear "(a)n appeal of an order, requirement, determination, or a decision of an administrative official enforcing the provisions of Article 66B" of the Zoning Code.