

Tax Map/Block/Parcel
No. 39-13-232

Building Permit/Zoning
Certificate No. 04-3913

Case 5005

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

APPLICANT: David Saah
603 Geneva Drive
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: Conditional use for a day care center in an existing dwelling to accommodate up to 35 children.

LOCATION: The site is located at 603 Geneva Drive, Westminster, on property zoned "R-10,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-86 A, 223-79 F and 223-186 A (2)

HEARING HELD: January 5, 2005

FINDINGS AND CONCLUSION

On January 5, 2005, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a day care center in an existing dwelling to accommodate up to 35 children. The Board made the following findings and conclusion:

The Applicant purchased the subject property approximately one year ago. It was a residence. He constructed a 700 square foot addition on the residence. There are three bedrooms and two bathrooms on the main floor, three large rooms and a bathroom in the basement, and a master bedroom, laundry room, library and bathroom in the addition. A prospective manager of the proposed day care center testified that the day care facility could be operated in such a manner as to comply with all State laws and regulations.

The neighborhood is an established residential area. There is a community pool at one end of the street. The covenants for the development, although not enforced, clearly envision that the properties were to remain residential.

OFFICIAL DECISION

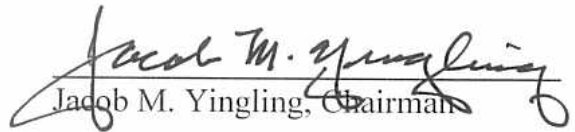
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The Board finds that the proposed use at this location will in fact generate adverse effects above and beyond those normally associated with such a use. Specifically, the street is substandard compared to today's requirements, and the pick up and drop off of 35 youngsters during the day would result in traffic congestion worse here than elsewhere in the zone. In addition, the Board is convinced that off-street parking simply is not available at this property. The scale of the day care operation is incompatible with the residential neighborhood. While the Applicant has greatly improved the condition of the property, it is simply not an adequate site for a large-scale day care operation. Accordingly, the conditional use is denied.

1/25/05

Date


Jacob M. Yingling, Chairman