

**Tax Map/Block/Parcel  
No. 31-2-312 (Lot 11)  
Case 5544**

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

**APPLICANT:** Jerome and Karen Byrd  
2541 Cedar Ridge Drive  
Westminster, Maryland 21158

**ATTORNEY:** Clark R. Shaffer

**REQUEST:** A request for a conditional use for an assisted living facility (9 beds) and a variance from the minimum lot size of 5 acres to 3.59 acres.

**LOCATION:** The site is located at 2541 Cedar Ridge Drive, Westminster MD 21158, on property zoned "C" Conservation District in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-37 and 223-34 K

**HEARING HELD:** April 22, 2010

**FINDINGS AND CONCLUSION**

On April 22, 2010, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for an assisted living facility (9 beds) and a variance from the minimum lot size. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicants have operated a (4) four bed assisted living facility in this converted residence in an established neighborhood since 2000. Residents of the facility are elderly clients who need assistance with daily activities of living. The property is 3.5 acres (+/-).

The Applicants wish to expand the facility to nine (9) beds. None of the residents will drive. Transportation to and from the facility for residents will be by public shuttle bus. There will be no outdoor activities on the property. One staff member will be on duty during each of the three daily shifts. No staff members will reside there. No exterior changes to the residence are planned.

**OFFICIAL DECISION**

**Case 5544**

**Page 2**

There are monthly deliveries of medicine to the facility. Ambulances occasionally are dispatched there. The house shares a use in common driveway with several other residences. There are woods to the rear of the lot. The topography of the lot slopes downward in the front. A site plan for the facility has already been approved by the Planning Commission.

Based on the above, the Board found that a nine (9) bed assisted living facility at this location will not generate noise, dust, fumes, gases, vibrations or other adverse effects greater here than elsewhere in the zone. Traffic generated by the nine (9) bed facility will be negligible, and probably much less than that generated by a single family home. There was no evidence of any reduction in property values from the proposed use. As such, the conditional use was granted.

Turning to the variance request, the house that will serve as the nine (9) bed facility already exists. It was constructed on 3.5 acres (+/-). There is no way to expand the lot as this is in an established neighborhood. Subdivision of the other lots to enlarge the Applicants' lot would also likely be illegal. Thus, a strict application of the lot size requirements would result in undue hardship not of the Applicants' making. Accordingly, the variance was granted.

May 19, 2010  
Date

Charles H. Wheatley, III  
Charles H. Wheatley, III, Chairman