

Tax Map/Block/Parcel
No. 58-05-593
Case 5893

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Rosalind Cheeks
3819 Chatham Road
Baltimore, MD 21215

ATTORNEY: N/A

REQUEST: Request for a Conditional Use for an assisted living facility.

LOCATION: The site is located at 1246 Deer Park Road, Westminster, Maryland on property zoned "A" Agricultural in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 158.070(E)(1)(r).

HEARING HELD: October 29, 2015

FINDINGS AND CONCLUSION

On October 29, 2015, the Board of Zoning Appeals (the Board) convened to hear a request for a Conditional Use for an assisted living facility. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

No one appeared at the original time of the hearing. At that time the Board dismissed the appeal. It was determined that the applicant was present during the scheduled hearing time. It further appears that a County employee may have been the reason the applicant did not enter the hearing room. The Board vacated its earlier decision in the morning to dismiss the appeal.

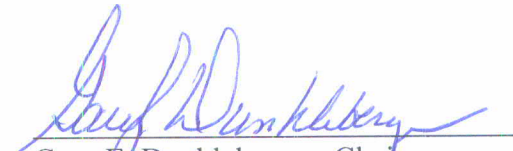
Rosalind Cheeks testified as the applicant in the case. She has worked in the nursing field for more than twenty years. When she retired from nursing she worked in the daycare industry. The current house was an assisted living facility in the past that served nine individuals. She is leasing the property. She wants to create an assisted living facility for no more than five people. The assisted living operation would be on the lower level and the upper part of the house would be used for personal living space. She will arrange for meals and transportation for the people living at the facility. She will employ approximately four people, and some of them will include her family members.

A written comment from Jay Voight noted that the proposed use was a non conforming use which had expired after a year of nonuse as an assisted living house.

The October 8, 2015 memorandum from the Bureau of Comprehensive Planning stated that the case had been reviewed for consistency. The memo stated that the request is compatible with the vision and goals for the area as expressed in the law and regulations. The staff finding was that the request was consistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property or its environs.

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed non-conforming use would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the conditional use requested by the applicant.

6 November 2015
Date


Gary E. Dunkleberger, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.