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Acting Zoning Administrator
Gayle Fritz

Official Decision
Case ZA-1032
Permit – 06-2493
Acting Zoning Administrator
Carroll County, Maryland

APPLICANT:	Financial Phoenix, Inc. Bruce & Suzanne Reamer
REQUEST:	A variance from the required minimum front setbacks from 50 feet to 20 feet on Piney Ridge Parkway and 50 feet to 32 feet on Johnsville Road and a variance to the required number of parking spaces from 222 to192 spaces for a Planned Business Center
LOCATION:	Piney Ridge Parkway and Johnsville Rd. Sykesville, Md. 21784
MAP/BLOCK/PARCEL:	73/10/732
APPLICABLE REGULATIONS:	Code of Public Local Laws and Ordinances, Chapters 103-52B(1), 103-24 and 223-181
HEARING HELD:	September 6, 2006

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence presented at the hearing, the variances are granted.

Facts, which support the request for relief from the strict terms of the Ordinance, in this case, a reduction of the minimum required front setbacks of 50 feet to 20 feet and 50 feet to 32 feet and a reduction of the required number of parking spaces from 222 to 192 for a Planned Business Center.

The applicant is proposing a Planned Business Center on this site that will include a restaurant, a banquet hall and a mix of retail and office space. This property is unique in that it is surrounded on three sides by public roads giving it three "front yards" and somewhat limiting the usable area. The zoning on this property is isolated from other business zoning. It is surrounded by high density zoning, including townhouses, single family homes, churches, a school and a storm water management facility. The proposal for this site is to provide a "main street-type" setting, such as you would see in any downtown, with pedestrian sidewalks. This means the buildings must be pulled forward on the lot so that the parking lot will not be the prominent feature and to provide easy access from the sidewalks. This applicant has worked with the County's Planning

Department in developing this plan to fit within the existing neighborhood. It would be an undue hardship to the applicant not to grant the setback variances, as this particular design has been endorsed by County staff. Furthermore, in order to accommodate this design the strict setbacks for a Planned Business Center would prohibit the pedestrian friendly site that is proposed. A practical difficulty is then created because pulling the buildings forward on the lot makes the parking area somewhat less efficient since in normal development there would be parking on 3 sides of the building with loading in the rear. The applicant is sensitive to the traffic issues and has designed the parking lot with no dead end parking which reduces the number of spaces. Also in regards to the reduced number of parking spaces, the applicant feels that offices and retail will not compete for parking with the restaurant and banquet hall since business and retail hours of operation are more traditional and the maximum use of the restaurant and banquet hall will be evenings and weekends. At this time the applicant owns 8 trucks which are used for the restaurant and banquet hall businesses and, when not in use, will be parked on the site where the restaurant is currently located. In creating a pedestrian friendly site the applicant feels that fewer parking spaces are needed as patrons can easily walk from the surrounding homes and churches.

William Offutt, who owns a lot across Johnsville Rd., asked questions regarding the lighting for the proposed Center. Jim Mathias, from DeMario Design Consultant, stated that the lighting on the stairways would be low level and there was no lighting along the rights-of-way. Mr. Offutt also asked about street parking and stated that he would be against it. Suzanne Packard, 6234 Longleaf Pine Rd., stated that she supported the proposed Planned Business Center; however her concern was for the dangerous intersection of Piney Ridge Parkway and Johnsville Rd. She would like to see the Center's traffic use Piney Ridge Parkway to reach Route 32 rather than driving through the residential neighborhood. She also was concerned that granting a variance would cause obstruction to site distance at the intersection and she would also be against any street parking. Mr. Shaffer, the applicant's attorney, stated that they were not proposing any parking on any of the County Roads. While the issues raised by both Mr. Offutt and Ms. Packard are important, the issues are not relevant as to whether or not the requested variances should be granted.

As the result of a site inspection there was no indication that the variance would interfere with traffic visibility at the intersection.

This approval is valid for one year from the date of a Zoning Certificate.

Note:

An appeal of a Decision made pursuant to Chapter 223-181.2 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrator's decision in accordance with Chapter 223-182 and 223-188 of the Code of Public Local Laws and Ordinances.

A decision of the Zoning Administrator made pursuant to Chapter 223-181 is final and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

September 11, 2006
Date

Gayle Fritz
Gayle Fritz
Acting Zoning Administrator