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Office of
Zoning Administration

Official Decision
Case ZA-1173
Zoning Administrator
Carroll County, Maryland

APPLICANT: Green Development L.L.C.

REQUEST: Variance from the required parking requirements of 250 spaces to 209 spaces

LOCATION: 844 Washington Rd.
Westminster, Md.

MAP/BLOCK/PARCEL: 46/19/566

APPLICABLE REGULATIONS: Code of Public Local Laws and Ordinances, Chapters 103-24 and 223-181

HEARING HELD: December 2, 2009

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence presented at the hearing the variance from the required parking requirements of 250 spaces to 209 spaces is granted.

Facts which support the request are as follows:

This site was approved in Board of Zoning Appeals Case 5383 to change a nonconforming use to an office building with retail space. No conditions were imposed. A site plan for an office building has been submitted and approved using parking tabulations for nonmedical offices. The topography of this land was steeply sloped toward the rear of the property with a large ravine. The land has now been graded, a retaining wall erected and a storm water facility installed. The building is currently under construction.

The applicant now has prospects of leasing some of the building for medical offices which require a different parking tabulation. This parking tabulation was amended August 21, 2008, by Ordinance 08-07. Parking data for adjacent properties, one a medical center and one a professional center with medical and nonmedical offices, was submitted for the applicant by RTF Associates, Inc. Both of these sites were approved before the parking tabulations were changed in 2008. Empty spaces were counted on various days at various times. Both had many empty spaces even taking into account the square footage that is not leased. In comparison to the site at 844 Washington Rd. the Phyllis Green Medical Center building is approximately 30,000 square feet larger but under the old regulations was required to provide only 45 more parking spaces. Even taking into account the 25 spaces available for the unleased space, according to the submitted parking data, there were still 69 empty spaces on one day, which was the least of the days that were counted.

The applicant intends for this building to remain a mixed use office building and will lease to any type professional office. Due to the size of the storm water facility and absent a parking garage there is no room for the addition of more parking spaces. To require the construction of a parking garage would be an undo hardship and burden for the applicant, especially in light of the fact that there may, or may not, be medical offices in the building.

There was no evidence presented at the hearing that the approval of this variance would generate harmful effects or unduly affect adjoining properties or public interest.

This approval is valid for one year from the date of this decision.

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.

December 7, 2009
Date

Gayle Fritz
Zoning Administrator