Tax Map/Block/Parcel
No. 53/59 1 200

Building Permit/Zoning
Certificate 98-2040

Case ZA-412

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Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Fred Smith 7 Timberpark Court Lutherville, MD 21093
REQUEST:	A variance increasing the maximum height requirement from 35 feet to 55 feet for school buildings
LOCATION:	2604 Old Westminter Pike Westminster, MD 21157 Election District #4
APPLICABLE REGULATIONS:	Article 5C, Section 5C.4, Article 5, Section 5.4; Article 15, Section 15.5, Zoning Ordinance 1E
HEARING HELD:	August 5, 1998

FINDINGS & CONCLUSIONS

Based on the testimony and evidence presented at the hearing, the variance is granted.

Facts which support the request for relief from the strict terms of the Ordinance, in this case an increase in the maximum height requirement for a school are as follows:

The property in question for which the variance is requested has two zoning district designations, Conservation and R40,000. In each of these zoning designations, colleges and schools are permitted uses.

The preceding is emphasized to provide that special conditions exist that are peculiar to the land and the structures proposed that cause the zoning provisions to impact disproportionately upon the property. Said conditions therein if not considered would result in unnecessary hardship or practical difficulty if literal or strict enforcement of the zoning ordinance was applied.

Construction of a private school, which will provide grades one through twelve, is sought by the applicant. The same structures are to be built that you would find in a public school or college, such as, administrative buildings, class room buildings, a gymnasium and so forth. The applicant is further seeking a variance to the maximum height requirement from 35 feet to 55 feet for some of these buildings.

The specific condition that exist, that is peculiar to the land, is its ownership. The property is in private ownership. The two zoning districts applicable to the property limit maximum height of structures to 35 feet. A private school which is a permitted use is therefore limited to those height restrictions. The same property, the same zoning, the same permitted use, a school, but on property owned by the County or the State is not subject to these height limitations.

Attendance to school is mandatory in the State of Maryland. A parent may choose the place of attendance be it public or private. Both public and private sector schools are mandated by the State to meet similar curriculum requirements, teaching qualification and graduate standards.

This leads into special conditions that exist that are peculiar to the buildings. Public schools are open and available to everyone at no charge. The major design concern in public school construction is that the structure is functional. Design is occasionally considered where compatibility with surrounding neighborhoods or communities is a concern. It is not unusual on a public school campus to have special use buildings such as a gymnasium or auditorium with heights between 40 and 60 feet.

Private schools in comparison need these same special use buildings for their students. A major concern in private school construction is also that the facility be functional, but design is also a major factor. Aesthetics, impression, stature and other factors built into marketing a product are interfaced in the design of private school buildings.

Attendance is not mandatory, it is not free, as tuition must be paid yearly to attend. Private schools must market their facility and in essence sell their services to produce the same end product as public schools.

The applicant presented their building design as being the impressive Old Virginia colonial style structures that utilize tall columns, pitched roofs and brick construction. Placement of all the buildings would be in a centralized quadrangle style on the property. Playing fields, practice fields and courts would be spread out on the remainder of the 95 acres of the property creating an open space atmosphere.

An alternative was also introduced as to how the property could be developed under current zoning. It was shown that approximately 55 homes with their interconnecting and through streets could be built and that a greater density would result from strict compliance with the terms of the ordinance.

This property lies within a CPA, (Community Planning Area), within a County that has implemented growth control measures due to lack of infrastructure, inadequate schools and has stopped many housing developments from going forward because of these inadequacies. A facility such as this would help ease those inadequacy problems even though the student population of private schools is not figured into the equation when figuring density versus adequate schools.

A variance to construct buildings on the site not to exceed 55 feet is granted. Height limitations shall not apply to belfries, steeples, spires, chimneys or smoke stacks, flagpoles, cupolas, domes, penthouses or roof structures for handing stairways; or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the buildings per Section 15.4 of the Carroll County Zoning Ordinance 1E.

It is the opinion of this writer that a literal enforcement of the height regulations on this applicant, where they would be waived by right on the same zoned property, for the same use, a school, only because the ownership is governmental, would result in unnecessary hardship and practical difficulty.

August 12, 1998

Date

George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

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