Tax Map/Block/Parcel
No. 73 12&18 630

Building Permit/Zoning
Certificate BP-02-1879

Case ZA-661

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Homeland Investment Co., LLC 10817 Reisterstown Road Owings Mills, Maryland 21117
REQUEST:	A variance from the height requirement of a 3-story to 4-story condominium.
LOCATION:	1533 Liberty Road Sykesville, MD 21784
APPLICABLE REGULATIONS:	Code of Public Local Laws and Ordinances, Chapters 223-81, 223-82, 223-180 and 223-181
HEARING HELD:	June 4, 2002

FINDINGS & CONCLUSIONS

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

This property is fairly well sloped and depending on the location of the buildings, they will have to be built into a hill. In order to place a limited three-story building, it ends up being effectively a two-story building depending on where it is measured. The way the buildings are configured on the plan, and if the calculations are done on where the door is located, the building then becomes four stories. If the calculations are done from the front of the building, it is interpreted as three stories. The difficulty then arises from the topography. It is intended that the buildings will be constructed into the hill. The buildings were approved at three stories, but when the design was changed to include a basement, which would be two apartments in the front, the front where you would walk through the door, adjacent to the parking, it is a true four-story structure. From the back, on the west side due to the topography, it becomes a three-story structure. The road coming in where the people would be parking and entering the building is the four-story side.

A Site Development Plan was approved by the Board of Zoning Appeals and Planning Commission. The Acting Zoning Administrator will need to compare the new drawing with what was originally approved. Mr. Green will meet with the staff regarding this case. No additional units can be built than what had been approved.

After further review and a comparison of the approved Site Development Plan to the latest Site Development Plan submitted for the variance, the following is the basis for the decision:

Increasing from a three-story building to a four-story building is a substantial change from what the Board of Zoning Appeals and the Planning

Commission originally granted approval. Constructing the building into the steeper slope, alleviating the need for retaining walls, and adding additional parking may have an effect on the number of units planned, but has no bearing on whether it be three or four stories in height. This does not address what I believe to be the intent of the height limitations in the law. Comments should be sought concerning fire protection, emergency services and compatibility with the surrounding neighborhood. The parking lot is located on the four-story side of the building and is where any emergency response personnel and fire equipment apparatus would enter the complex. The process of addressing the height variance in this case should be with the Board of Zoning Appeals and is beyond what I am comfortable rendering an approval without future input from the Board of Zoning Appeals and the Planning Commission. Therefore, my decision is to deny the variance.

NOTE:

Appeals of decision made pursuant to Chapter 223-183 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrators decision in accordance with Chapter 223-188 of the Code of Public Local Laws & Ordinances.

A decision of the Zoning Administrator made pursuant to Chapter 223-183 is final, and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

JUNE 19, 2002
DATE

RALPH E. GREEN
ACTING ZONING ADMINISTRATOR

cc: Zoning Enforcement