Case ZA-721

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT: Cranberry Realty, LLC
831 North Calvert Street
Baltimore, Maryland 21202

REQUEST: A variance from the required minimum rear yard setback of 50 Ft. to 20 Ft.; a variance from the required minimum front yard setback of 50 Ft. to 35 Ft.; and a variance from the required minimum side yard setback of 40 Ft. to 25 Ft. for retirement homes consisting of individual single-family cottages.

LOCATION: Bond Street
Westminster, MD 21157

APPLICABLE REGULATIONS: Code of Public Local Laws and Ordinances, Chapters 223-89 and 223-181

HEARING HELD: January 7, 2003

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, a reduction from the required minimum rear yard setback of 50 Ft. to 20 Ft.; a reduction from the required minimum front yard setback of 50 Ft. to 35 Ft.; and a reduction from the required minimum side yard setback of 40 Ft. to 25 Ft. for retirement homes consisting of individual single-family cottages are as follows:

Mr. Martin Hackett, CLSI, testified that his engineering/surveying firm prepared the plat/exhibit to accompany the variance request. This firm has handled this project since its inception, which was approved through the Board of Zoning Appeals approximately 2 years ago. There was one parcel of ground that had the larger building, which is the independent care living component, with the cottages consisting of 35 units. Since this is a CDA financed, state tax grant project, requirements had to be met and as a result a property line had to be created within the community that separated this building from the cottages. The improvements needed to be on this piece of property, and the property line was created in this location to provide for the location of the road and storm water management pond.

Mr. Rob Schuetz, Cranberry Realty/Westminster Bond Senior Associates, testified that this is a CDA project. It is funded using low-income housing tax credits, which in this case, is dedicated for use by seniors, age 62 and older. It is being noted that tremendous cooperation within the neighborhood has been recognized. During the Phase II site development hearing there were four people who live adjacent to the property who were in attendance unannounced and unsolicited to testify on behalf of the project. Mr. Schuetz feels that speaks volumes about how they have treated the neighborhood and how the neighborhood has treated them and the fact that they have worked together to work out whatever difficulties that arose. Mr. Schuetz expressed his appreciation and to recognize that the project is really enjoying a tremendous amount of support, not just at the county level, but also at the local level.

Based upon the testimony and evidence presented, if these were single-family homes they would only have to be 40 Ft., and if it were a clustered development, it would need to be even less, accordingly, the variances are granted.

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

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.

January 9, 2003
DATE

Gayle Fritz
GAYLE FRITZ
ACTING ZONING ADMINISTRATOR'S DESIGNEE

cc: Zoning Enforcement