CARROLL COUNTY GOVERNMENT
225 N. Center Street
Westminster, Maryland 21157
410-386-2980 888-302-8978
FAX 410-876-9252
T.D.D. 410-848-5355

Office of Zoning Administration
Neil M. Ridgely
Zoning Administrator

Notice of Decision

Case # ZA-855
Permit # 04-2059

Variance Request: For a variance from the required minimum parking space requirements from 129 spaces to 109 spaces for an assisted living facility at the North East Quadrant of the intersection of Gorsuch Road and Center Street Extended, Westminster, MD in Election District 79 by Westminster Development LLC (Westminster Mews), represented by Clark Shaffer, Esq.

Basis for Variance: § 103-24 of the Carroll County Code of Public Local Laws and Ordinances.

Decision: Approved.

Basis for Decision:
It is the opinion of the Zoning Administrator that approval of the variance request will not:

- Adversely affect the public health, safety, security, morals, or general welfare.
- Result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood.

In making this determination, the Zoning Administrator cannot answer in the affirmative to the criteria provided in Section 223-191 of the Carroll County Code that:

- There would be a detrimental effect on the people working or residing in the area
- There would a negative impact on the orderly growth of the community
- There would be a detrimental effect on the peaceful enjoyment of people in their homes.
- That the use would have a negative effect on the conservation of property values.
- That there would be any effect from odors, dust, gas, smoke, fumes, vibrations, glare, and noise upon surrounding property values.

Mr. David Carliner testified for Shelter Development LLC as the developer of the project and gave a brief history of the project. G.W. Stephens, Inc has done core samples of the site and determined that there the site has an unusual amount of rock, limiting the amount of developable area, as does the proposed roundabout planned for the intersection of Gorsuch Rd. and Center Street. Providing the 129 parking spaces as required by the Carroll County Code creates a practical difficulty because grading, stormwater management and the roads layout constrict the use of the site.
100 of the planned units will be independent living units, Shelter Development's experience in Assisted Living facility indicates that only ½ of the independent living residents will have a vehicle. The remaining units are assisted living, of which 20 are for dementia patients The peak number of employees for the facility will be 24 for the assisted living units and 9 for the independent living. Shelter's calculations indicate that only 82 parking spaces are necessary for residents and employees with the balance being for visitors.
Shelter Development's experience in projecting the parking needed at this location is derived from other developments it operates, such as Mays Chapel in Cockeysville, MD which has 82 parking spaces for 163 units and Country Club Heights in Boston, MA with 57 parking spaces for 99 units.

Reducing the amount of parking for this facility is in keeping with environmental goals to minimize impervious surfaces when possible. The developer has clearly substantiated that 109 parking spaces is adequate for this facility and that the site constraints create a "uniqueness" which support the reduction from of the required 123 spaces.

There were no Protestants to this variance. The variance was supported by Mr. Burkholder of 590 High Acre Drive, Westminster, MD.

19 July 2004

Neil M. Ridgely
Zoning Administrator

Per Section 223-182 or the Carroll County Code of Public Local Laws and Ordinances, appeals of this decision must be made within 30 days of the date of the decision to the Board of Zoning Appeals pursuant to Section 223-188 of the Carroll County Code. Unless timely appealed, parties may not thereafter contest the Zoning Administrator's decision.