

**Tax Map/Block/Parcel
No. 46-14-161**

**Building Permit/Zoning
Certificate No. 03-0594**

Case 4791

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: R. Neal Hoffman
24 North Court Street
Westminster, Maryland 21157

ATTORNEY: Charles D. Hollman

REQUEST: An application for a variance from the required minimum rear yard setback of 40 ft. to 18 ft. for the construction of an addition to the existing dwelling.

LOCATION: The site is located at 302 Mary Avenue, Westminster, MD 21157, on property zoned "R-10,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, 223-186

HEARING HELD: April 30, 2003

FINDINGS AND CONCLUSION

On April 30, 2003, the Board of Zoning Appeals (the Board) convened to hear the request for a variance from the required minimum rear yard setback of 40 ft. to 18 ft. for the construction of an addition to the existing dwelling. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is a corner lot in a subdivision, which was built prior to the adoption of the Zoning Ordinance. The lot is by far the largest in the subdivision. The Applicant is seeking a variance from the required setback of 40 feet to 18 feet to accommodate the construction of a sunroom, which the architect has determined by necessity should be built in the rear of the house.

The distinguishing feature of the lot is the existence of several large, mature trees, including a large sycamore tree, in the front of the house. In fact, the placement of the house by the original builder apparently was designed to save the sycamore tree. A protective well was dug around the trunk of this tree. The placement of the house necessitates the need for the rear yard variance.

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The Board finds that this property is unique. Specifically, the larger size of the lot, the placement of the house, and most importantly the existence of the mature tree render this house unique from its neighbors. Absent the variance, the trees will need to be disturbed or removed, which would adversely impact the property and the neighborhood. The addition of the proposed sunroom will be an asset to the home and the area.

Accordingly, the request for the variance is granted.

5/22/03

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman