Tax Map/Block/Parcel
No. 58-10-288

Building Permit/Zoning
Certificate 96-0231

Case ZA-236

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

**APPLICANT:** Gaetan & Mary Carrier
2469 Sykesville Road
Westminster, MD 21157

**REQUEST:** A variance reducing the minimum side yard requirement from 20 feet to about 10 feet for an addition to the residence.

**LOCATION:** 2469 Sykesville Road, in E.D. 4.

**APPLICABLE REGULATIONS:** Art. 6, Sec. 6.7; Art. 15, Sec. 15.5.

**HEARING HELD:** March 6, 1996

**FINDINGS AND CONCLUSION**

Based on the testimony and evidence presented at the hearing, the variance is granted as modified to 17 feet for the foundation wall.

This property is an old lot created by an off-conveyance in 1963 when the lot width requirement in the "A" Agriculture district was 100 feet. The property is situated well off the nearest County road on a long farm lane which serves a number of other properties. This property and several others adjoining it are heavily wooded. An adjoining property owner, Mrs. Summers, appeared in opposition to the variance request to protest the excavation and construction proposed within 10 feet of the property line. Her purpose is to protect a significant oak tree located on her side of the property line and within several feet of the boundary.

An expert witness representing the Summers' testified that excavation and other construction activities within 10 feet or 12 feet of the property line would be likely to damage this tree. Experts engaged by the applicants gave opinions that the likelihood of potential damage was minimal.

Facts which support the request for relief from the strict terms of the ordinance, in this case twenty (20) foot side yard requirement for an addition, are as follows:

a) The existing two bedroom dwelling is approximately 1,100 square feet in area. The proposed addition will provide needed living space for a growing family.

b) Enlargement of the dwelling to the rear is restricted by a recently constructed deck and brick patio; and would result in the loss of windows in the kitchen and dining room.

c) Enlargement toward the front would be architecturally and structurally incompatible with the existing dwelling.

d) The opposite side yard does not afford space for any enlargement.

e) The applicant requests a variance reducing the side yard to 10 feet based on his measurement of a 28 foot side yard at the closest corner of the dwelling. The location survey by VTA shows a 30 foot side yard at that corner; thus the proposed addition would encroach into the 20 foot side yard requirement 2 feet less than shown in the application.

f) There was no testimony that the proposed addition will adversely affect the residential use on any of the adjoining properties. The tree which the neighbors seek to protect is located several hundred feet from their dwelling.

**DECISION**

Based on a mutual concern for the protection of the tree, the variance is hereby modified to reduce the minimum side yard requirement from 20 feet to 17 feet for the foundation wall, provided that the floor of the addition may be cantilevered no more than 3 feet. The wall of the new room may be no closer than 14 feet to the property line.

This variance is approved on the condition that the applicants exercise care in preparing the site for construction, and in their choice of construction methods, to minimize the effects on the tree in question.

DATE: 3-21-96

Solveig L. Smith

Solveig L. Smith, Zoning Administrator

cc: Zoning Enforcement

CA236CAR.DEC