

**Tax Map/Block/Parcel  
No. 24-17-275**

**Building Permit/Zoning  
Certificate No. 00-0411**

**Case 4498**

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

**APPELLANTS:** Joseph and Carol Madeira  
4814 Millers Station Road  
Hampstead, MD 21074

**ATTORNEY:** Clark R. Shaffer  
6 North Court Street  
Westminster, MD 21157

**APPELLEES:** Ann Tilghman and Chris Crowley  
4810 Millers Station Road  
Hampstead, MD 21074

**ATTORNEY:** Elwood E. Swam  
P. O. Box 176  
Hampstead, MD 21074

**REQUEST:** An appeal of the Zoning Administrator's decision granting a variance reducing the minimum required side yard setback from 50 feet to 20 feet for a garage and mud room addition to the existing residence.

**LOCATION:** Located at 4810 Millers Station Road, Hampstead, MD 21074 on property zoned "C" Conservation District in Election District 8

**BASIS:** Basis: Article 17; Section 2(a); Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** June 28, 2000

**FINDINGS AND CONCLUSION**

On June 28, 2000, the Board of Zoning Appeals (the Board) convened to hear the appeal of Joseph and Carol Madeira of the Zoning Administrator's decision granting a variance reducing the minimum required side yard setback from 50 feet to 20 feet. Based on the testimony and evidence presented, the Board makes the following findings. The Appellees are proposing to add a garage and mud room to their existing residence at 4810 Millers Station Road in Hampstead. The Appellee's

property is zoned "C" Conservation District and backs up to a forest conservation easement area. The steep rolling topography of the Appellee's lot necessitated the placement of the house in close proximity to the side property line. The proposed garage and mud room requires relief from the 50 foot side yard setback requirement.

The Appellants are neighbors of the Applicants. They based their protest on privacy concerns resulting from the encroachment of the proposed garage and mud room into the setback area. The Board finds that the privacy concerns are sincere and legitimate.

The Board finds that the unique topography of the Appellee's lot is such that a strict compliance with the setback provisions would result in practical difficulty to the Appellee's in the use of their property. In addition, the Board finds the granting of the variance would not result in injury to the public health, safety or welfare. However, the Board believes that in this case, a condition on the variance is warranted to mitigate the affect on the neighboring property. Specifically, the Appellees are required to screen their property on the northeast side between the houses running eastward. At a minimum, 8 white pines (or a similar evergreen), six feet in height shall be spread out over a length of 50' starting at Appellants' electric box running on the inside of the Appellees' fence.

July 19, 2000  
Date ✓

Ron Hoff  
Ron Hoff, Chairman