

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-7-14 Karl Walls

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: February 26, 2014.

CERTIFICATE OF SERVICE

This is to certify that on April 11, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Karl Walls

Appeal No.: V-7-14

Subject Property: Parcel 104, Tax Map 156, Grid C2, being 15000 Brandywine Road, Brandywine,
Prince George's County, Maryland

Heard and Decided: February 26, 2014

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(i)(Table VIII) of the Zoning Ordinance, which prescribes that accessory buildings shall generally be located only in the rear yard. Petitioner proposes to construct a detached shed/garage and driveway extension. A waiver of the rear yard location requirement for an accessory building is requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property contains 21,781 square feet (0.50 acre), is zoned O-S (Open Space) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 8 and 9. The single-family dwelling was built in 1970. Exhs. 8 and 9.

2. The property is a triangular-shaped corner lot, with the house facing the legal front street. Exhs. 2, 10(A), (B), (D) and (G). The property is wooded and located in a rural area. Exhs. 6(A) through (P), 11(A) through (G). The yard behind the house is very shallow. Exh. 2.

3. Petitioner would like to construct a 14' x 34' shed/garage in the front yard over the driveway area and also construct a driveway extension, but the variance is needed to obtain a building permit. Since the shed/garage would be located in the front yard, a waiver of the rear yard location requirement for an accessory building was requested. Exh. 11.

4. Petitioner testified that he needs a garage to perform repairs on his vehicles, secure and protect his truck and classic vehicle, and store lawn furniture and other items. He further explained that the driveway extension would allow him to drive to the back and then back up and turn around. He stated that his property is wooded.

5. Petitioner further testified that because he has a shallow back yard and is subject to a 30-foot setback requirement associated with his well (which is located close to the right rear corner of the house), the most suitable location for the proposed garage is over the driveway area and as far back as possible. Exh. 2. He stated that the garage will have siding to match the house. Exh. 3.

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the unusual shape of the lot, the shallowness of the rear yard, the location of the well on the property in relation to the existing driveway, the need for secure storage space for vehicles and other items, the proposed garage to be built over existing driveway area, the property being wooded and located in a rural area, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a waiver of the rear yard location requirement in order to construct a 14' x 34' detached shed/garage and driveway extension on the property located at Parcel 104, Tax Map 156, Grid C2, being 15000 Brandywine Road, Brandywine, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.