

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-32-14 Shivana Oudit

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: May 21, 2014.

CERTIFICATE OF SERVICE

This is to certify that on June 24, 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: Shivana Oudit

Appeal No.: V-32-14

Subject Property: Lot 5, Crittenden and Greene Subdivision, being 7602 Allentown Road, Fort Washington, Prince George's County, Maryland

Witness: Leela Oudit, mother of Petitioner

Heard and Decided: May 21, 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 variances 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 variances from Section 27-442(d)(Table III)(Footnote 20) of the Zoning Ordinance, which prescribes that each lot shall have a minimum width of 55 feet measured along the front building line; Section 27-442(e)(Table IV)(Footnote 22), which prescribes that each lot shall have two side yards totaling 12.5 feet in width, with each side yard at least 5 feet in width; and Section 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate an existing condition and construct a new single-family dwelling, driveway and shed on a lot having a width of 46.64 feet along the front building line. Variances of 8.36 feet front building line width, 1.2 feet total side yard width and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The subject property was subdivided in 1948, contains 20,188 square feet, is zoned R-R (Rural Residential) and is proposed to be improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 9 and 10.
2. The property is a long and narrow lot, being 445-458 feet long and 45-52 feet wide. Exh. 2.
3. In 2011 the net lot area of the subject property was reduced when 1,046 square feet was dedicated to the County/for right-of-way improvements to Allentown Road. Exh. 6.
4. Petitioner would like to construct a 35' x 44' one-story dwelling, with basement, 20' x 20' shed and 16' x 69.74' driveway with a 15' x 16' turnaround area in the front yard, but variances are required before a building permit can be obtained. Since the proposed dwelling would be located 5.55 feet from the left side lot line and 5.75 feet from the right side lot line (Exh. 2), totaling 11.30 feet, a variance of 1.2 feet total side yard width was requested. Exh. 13.

5. In addition, since the proposed driveway would be located in the area of the front yard prohibited by Section 27-120.01(c) of the Zoning Ordinance, a waiver of the parking area location requirement was requested. Exh. 13.

6. The width of the lot at front building line must also be validated because it is below the current minimum requirement found in Section 27-442(d)(Table III)(Footnote 20) of the Zoning Ordinance and a variance of 8.36 feet front building line width was therefore also requested. Exh. 13.

7. Variances to construct a single family dwelling on the subject property were granted by the Board in 2010 (Appeal No. V-91-10) (Exh. 7), but the variances expired before construction commenced.

8. Leela Oudit testified that none of the building and elevation plans have changed since the approval of the previous variances in Appeal No. V-91-10.

9. She stated that the neighborhood is a mixture of house styles and materials, that many of the houses are stucco and that the exterior of the dwelling will have siding.

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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1948, the exceptional narrowness of the property, variances for construction of the dwelling having been approved in 2010 by the Board, the variances having expired before construction occurred, the current variances being unchanged from those approved in 2010, the net lot area of the property being reduced in 2011 for road dedication, the lot being unable to meet the current minimum of 55 feet width measured along the front building line, 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 variances of 8.36 feet front building line width, 1.2 feet total side yard width and a waiver of the parking area location requirement in order to validate an existing condition and construct a 35' x 44' one-story dwelling, with basement, 20' x 20' shed and 16' x 69.74' driveway with a 15' x 16' turnaround area in the front yard on the property located at Lot 5, Crittenden and Greene Subdivision, being 7602 Allentown Road, Fort Washington, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon

development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) and (b).

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.