

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-62-14 Lawrence Joy Sr. & Lawrence Joy, Jr.

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: September 17, 2014.

CERTIFICATE OF SERVICE

This is to certify that on October 20, 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: Petitioners
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

Petitioners: Lawrence Joy, Sr. and Lawrence Joy, Jr.

Appeal No.: V-62-14

Subject Property: Part of Lot 2, Block A, Frank I. Gerald Property Subdivision, being 7701 Finns Lane, Lanham, Prince George's County, Maryland

Witness: Rebecca Joy

Heard and Decided: September 17, 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, Petitioners request that the Board approve variances from Section 27-442(d)(Table III) of the Zoning Ordinance, which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line and 45 feet measured along the front street line. Petitioners propose to construct a new two-story single-family dwelling and driveway on a lot having a width of 49 feet along the front building line. Variances of 16.6 feet front building line width and 9.6 feet front street line width are requested.

Evidence Presented

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

1. The property contains 6,653.2 square feet, is zoned R-55 (One-Family Detached Residential) and is proposed to be improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 12 and 13.

2. The property consists of part of a lot (Lot 2) that was subdivided in 1941. A deed dated May 12, 1945, conveyed a portion of the original Lot 2 to Lot 3. Exhs. 4 through 7.

3. The property has an irregular shape, narrows at the front street line (35.40 feet) and widens from front to rear. Exh. 2.

4. Petitioners would like to construct a two-story dwelling, with dimensions of approximately 30' x 40', and a 9'8" x 44' driveway, but variances are needed to obtain a building permit. Since the lot width at the front street line and front building line do not meet the current minimum requirements, variances of 16.6 feet front building line width and 9.6 feet front street line width were requested. Exhs. 1, 2 and 16.

5. Lawrence Joy, Sr. testified that he purchased the property two years ago to build a house for his son. He stated that other houses in the neighborhood are two stories. He believes that a portion of Lot 2 was conveyed to a neighbor for drainage purposes in the 1940s. He explained that to build a decent sized house on the lot, it needs to be constructed in the proposed location, and if it were built farther back on the lot, there would be insufficient area to build a deck on the rear and meet the required rear setback distance between his house and the adjoining property in the rear.

6. Mr. Joy further stated that the house will be consistent with the style of other homes in the neighborhood, will be built with a crawl space, and the exterior will consist of decorative stone in front and vinyl siding on the sides.

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 created in 1945, the irregular shape of the property, the prior partition of Lot 2 to abate drainage issues, the narrowness of the property at the front street line, the proposed location of the house allowing for a house of sufficient size, construction farther back on the property not providing the required setback from the property to the rear, 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 16.6 feet from the minimum lot width requirement along the front building line and 9.6 feet along the front street line in order to construct a two-story dwelling, approximately 30' x 40' in size, and a 9'8" x 44' driveway on the property located at Part of Lot 2, Block A, Frank I. Gerald Property Subdivision, being 7701 Finns Lane, Lanham, 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.