

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-21-14 Ralph Newell

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 7, 2014.

CERTIFICATE OF SERVICE

This is to certify that on August 22, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
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: Ralph Newell

Appeal No.: V-21-14

Subject Property: Lot 18, Temple Hills Subdivision, being 3703 Spring Terrace, Temple Hills,
Prince George's County, Maryland

Witnesses: Terence Perry, Ground Up Home Solutions

Jeffrey Hamill, neighbor

Heard: April 23, 2014; Decided: May 7, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to construct an attached garage and driveway extension. A variance of 6 feet side yard width is requested.

Evidence Presented

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

1. The property was subdivided in 1938, contains 18,500 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 6 and 7. The existing single-family dwelling was built in 1950. Exhs. 6 and 7.
2. The property is a rectangular-shaped lot and the size and shape of the lot is not unique in the neighborhood. Exhs. 4 and 8(A).
3. Petitioner would like to construct a 30' x 30' attached two-car garage and a 16' x 32' driveway extension to access the garage, but a variance is needed to obtain a building permit. Since the garage is proposed to be constructed at the left rear corner of the dwelling and would extend to within 2 feet of the side lot line, a variance of 6 feet side yard width was requested. Exhs. 2, 3 and 11.
4. The existing driveway accesses an existing one-car attached garage. Exhs. 2, 3, 6 and 8(B).
5. Petitioner testified that he does not want to build a garage too far back on the lot because he wants to be able to use the land in rear and he would like the proposed garage attached to the back of the house (Exhs. 2, 16(A) and (B)) so that he can walk directly into the house from the garage protected from the cold in winter and heat in summer.
6. Petitioner further testified that he needs the garage for his two cars.
7. Jeffrey Hamill, who lives next door on the side where the garage is proposed, opposed Petitioner's request and testified that he has a gravel driveway and no garage. He stated that the houses in the neighborhood were built "pretty much" on the same size lot about one-third of the way back and centered on the lots. He expressed that the fact that Petitioner's proposed garage roofline would be so close to the

property line concerns him because his property is downhill from Petitioner's and run-off water could be a problem. He also expressed concern that light from Petitioner's cars in the driveway may shine into his bedroom window at night. He stated that because Petitioner's property is about ten feet above his property, he would view Petitioner's car tires. He believes that there are other options available for Petitioner to place the garage elsewhere on the subject property.

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 does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioner's lot has no exceptional topography or other conditions peculiar to the property. The Board further finds that the lot is regular in its size and shape and no evidence of any extraordinary situation or uniqueness of the lot was presented.
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 6 feet side yard width in order to construct a 30' x 30' attached garage and driveway extension on the property located at Lot 18, Temple Hills Subdivision, being 3703 Spring Terrace, Temple Hills, Prince George's County, Maryland, be and is hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.