

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-116-13 Carl Johnson

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: January 15, 2014.

CERTIFICATE OF SERVICE

This is to certify that on January 29, 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
Woodmore North Homeowners Association
Other Interested Parties

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

Petitioner: Carl Johnson

Appeal No.: V-116-13

Subject Property: Lot 3, Block E, Westwood Subdivision, being 12705 Willow Marsh Lane, Bowie,
Prince George's County, Maryland

Counsel for Petitioner: Bobby G. Henry, Jr., Esq.

Witness: Christine Osei, neighbor

Heard and Decided: January 15, 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 17 feet in width. Petitioner proposes to construct an attached two-story garage and breezeway. A variance of 13.5 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 1999, contains 40,000 square feet, is zoned R-E (Residential-Estate) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 3, 6, 11 and 12. The existing single-family dwelling was built in 2005. Exhs. 11 and 12.

2. The property is an odd-shaped lot with side lot lines of different lengths and a rear yard with one side shallower than the other. Exh. 3.

3. Petitioner would like to construct a 24' x 36' attached two-story garage and 6' x 18' breezeway, but a variance is needed to obtain a building permit. The proposed garage would be constructed at the end of the existing driveway and since it would be located only 3.5 feet from the side lot line, a variance of 13.5 feet side yard width was requested. Exh. 15.

4. Petitioner stated that the proposed garage would be used to house his vehicles and will not be used commercially or for additional living space. He further stated that the proposed garage is designed to be architecturally consistent with the design of his house, consistent with community architecture and property layout, and aesthetically appealing. He explained that if the required 17-foot setback from the property line is enforced for the proposed construction, it would be inconsistent with the overall community's design and would place the proposed garage behind or attached to his sunroom (Exh. 7(D)). He believed that building the garage at the end of the existing driveway (Exh. 7(C)) would not impede on his neighbors, would not impact their enjoyment of their property and would afford him the continued enjoyment of his sunroom. Exh. 2. Petitioner noted that the proposed garage would have a brick front and vinyl siding on the sides.

5. Woodmore North Homeowners Association, Inc. ("Association") did not approve Petitioner's alteration request based on the proximity of the proposed garage to the neighboring property. Exhs. 20 and 22.

6. Christine Osei, a neighbor who is also a board member of the Association, testified that the Association is not opposed to the proposed garage architecturally but is concerned with the variance. She also testified that garages attached to houses with breezeways are common within the Woodmore North community. Exhs. 8(A) through (E).

7. The Maryland-National Capital Park and Planning Commission reviewed the request and stated that the limited detailed site plan (DSP-96032) which is referenced on the pertinent record plat does not include the subject lot. Exh. 21.

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 unusual shape of the lot, the location of the existing house and driveway on the property, the length of the breezeway being necessary to maintain distance from the existing sunroom, the proposed garage to be used solely for parking vehicles and containing no additional living space, the design of the garage being architecturally consistent with the existing house and other dwellings in the community, 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 variance of 13.5 feet side yard width in order to construct a 24' x 36' attached two-story garage and 6' x 18' breezeway on the property located at Lot 3, Block E, Westwood Subdivision, being 12705 Willow Marsh Lane, Bowie, 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 3, and the approved elevation plans, Exhibits 4 (garage) and 5 (breezeway).

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.