

*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No.     V-3-14 Janice and Ronald Minor    

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 19, 2014     .

**CERTIFICATE OF SERVICE**

This is to certify that on     March 4, 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  
DPIE/Inspections Division

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

Petitioners: Janice & Ronald Minor

Appeal No.: V-3-14

Subject Property: Parcel 373, Tax Map 73, Grid E4, being 6911 Walker Mill Road, Capitol Heights,  
Prince George's County, Maryland

Heard and Decided: February 19, 2014

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth; Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking; and Section 27-442(i)(Table VIII), which prescribes that accessory structures shall be set back 60 feet from the front street line and generally be located only in the rear yard. Petitioners propose to validate existing conditions and obtain a building permit to complete construction of a shed. Variances of 3 feet front yard depth, 4.7% net lot coverage, and 37 feet front street line setback and a waiver of the rear yard location requirement for an accessory structure are requested.

Evidence Presented

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

1. The property contains 10,890 square feet (0.25 acre), is zoned R-T (Townhouse) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 5, 9 and 10. The existing single-family dwelling was built in 1930. Exhs. 9 and 10.
2. The property was created by deed in 1953. Exh. 4. The property is odd-shaped and the yard slopes downward from the street. Exhs. 2, 11(A), (D) and (F).
3. Petitioners were cited with Building Violation Notice BVN 42950-2013-1, dated January 8, 2014, by the Department of Permitting, Inspections and Enforcement, requiring that work be stopped and a building permit be obtained for the accessory structure constructed in the back of the house without a permit or it be removed. Exh. 17.
4. Petitioners would like to obtain a building permit to complete construction of a 20' x 40' shed, but variances are required before obtaining a building permit. Since the existing dwelling is located only 22 feet from the front street line and construction of the proposed shed causes the allowed amount of net lot coverage to be exceeded, variances of 3 feet front yard depth and 4.7% net lot coverage were requested. Exhs. 13 and 14.
5. In addition, since the deck is located only 23 feet from the front street line and is located in the side yard, a variance of 37 feet front street line setback and a waiver of the rear yard requirement for an accessory structure were requested. Exh. 14.

6. Petitioner Janice Minor testified that a large, new shed is needed because there is insufficient storage space in their house. Exhs. 22 and 23. She stated that they have four children and now grandchildren. She explained that in addition to lawn equipment/tools, shed space is needed to store lawn furniture, tents, toys and bicycles.

7. Petitioner Ronald Minor testified that the previous shed caved in and was removed. He stated that the subject property is surrounded by townhouses. Exhs. 11(A) through (E).

8. Janice Minor further testified that there are trees between their yard and the neighboring townhouses (Exhs. 11(B) through (E)) and the new shed will not be visible from the street. She stated that there is no homeowners association. She explained that there will be windows on only one side of the shed and the exterior will have siding. Exhs. 3(a) and (b).

#### 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 house being built many years ago, the unusual shape and sloping topography of the lot, Petitioners' family having grown larger, the need to replace the previous shed that was removed because of damage, the need for additional storage space, 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, by majority vote, Mr. Scott absent, that variances of 3 feet front yard depth, 4.7% net lot coverage, 37 feet front street line setback and a waiver of the rear yard requirement for an accessory structure in order to validate existing conditions and obtain a building permit to complete construction of a 20' x 40' shed on the property located at Parcel 373, Tax Map 73, Grid E4, being 6911 Walker Mill Road, Capitol Heights, 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.