

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-103-15 Gwenella Martin-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: October 28, 2015 .

CERTIFICATE OF SERVICE

This is to certify that on January 11, 2016 , 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
Carsondale Civic Association

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

Petitioner: Gwenella Martin-Minor

Appeal No.: V-103-15

Subject Property: Lot 43, Carsondale Subdivision, being 9111 Wallace Road, Lanham,
Prince George's County, Maryland

Witness: Kevin Tucker

Heard and Decided: October 28, 2015

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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side lot line and generally be located only in the rear yard. Petitioner proposes to construct a covered front porch, detached garage and driveway extension. A variance of 1 foot front yard depth for the front porch, and variances of 41 feet front street line setback, 1 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1955, contains 10,022 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1956. Exhs. 7 and 8.
2. The property is located at the lip of a cul-de-sac and the front street line curves at the left side of the property. Exh. 2.
3. Petitioner would like to construct an 8' x 9' covered front porch, a 16' x 22' detached garage and 92 square-foot driveway extension, but variances are needed to obtain the required permit(s). Since the covered porch would be located 24 feet from the front street line, a variance of 1 foot front yard depth was requested. Exh. 11.
4. In addition, since the detached garage would be located only 19 feet from the front street line, 1 foot from the side lot line and would be located in front of and to the side of the dwelling, variances of 41 feet front street line setback, 1 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building were also requested. Exh. 11.
5. Petitioner testified that the proposed front porch would provide protection.
6. Kevin Tucker testified that the proposed location of the garage toward the front of the property is necessary because of the topography in the rear of Petitioner's lot. He explained that the yard drops off dramatically, almost 6 feet, in the rear. Exhs. 5(A) through (E). Mr. Tucker further testified that the garage is needed for safety reasons.

7. He testified that all of the driveways in the neighborhood are on the right side of the properties (Exh. 9(A)). He stated that the proposed garage will not create any visual obstruction. He further stated that the wall of the garage will touch the house, but there will be no door to access the house because it would cause living room space to be lost, and extending the garage forward of the house will allow Petitioner to retain her living room window and maximize natural light inside the house. He explained that the exterior of the front and side of the garage, as well as the porch, will be brick to match the front of the house. Exh. 3.

8. Carsondale Civic Association did not comment on the request.

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 severe sloping topography in the rear of the lot, the proposed garage providing a secure place to park, the front porch providing a protected place for the owner, 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 1 foot front yard depth for the front porch, and variances of 41 feet front street line setback, 1 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building in order to construct an 8' x 9' covered front porch, 16' x 22' detached garage and 92 square-foot driveway extension on the property located at Lot 43, Carsondale Subdivision, being 9111 Wallace Road, 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 plan, Exhibit 3.

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.