

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-125-15 Darrell and Karen Walker

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: December 2, 2015.

CERTIFICATE OF SERVICE

This is to certify that on January 7, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of Bladensburg

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

Petitioners: Darrell and Karen Walker

Appeal No.: V-125-15

Subject Property: Lots 105, 106 and Part of 107, Block 13, Decatur Heights Subdivision, being 5302 Tilden Road, Bladensburg, Prince George's County, Maryland

Municipality: Town of Bladensburg

Heard and Decided: December 2, 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, Petitioners request that the Board approve variances from 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 buildings shall generally be located only in the rear yard. Petitioners propose to validate an existing condition and construct a detached garage. Variances of 11.4% net lot coverage and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

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

1. The property contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. Exhs. 2, 4, 9 and 10. The existing dwelling was built in 1941. Exh. 9.
2. The lots making up the subject property were subdivided prior to 1926, but the property was created in its current configuration by a 1943 deed. Exh. 5.
3. Petitioners would like to construct a 14' x 30' detached garage to replace the existing 10.2' x 18' detached garage (Exh. 2), but variances are needed to obtain a building permit. Since the allowed amount of net lot coverage (30%) is exceeded by existing development on the property and construction of the new garage will cause further overage (Exh.13), a variance of 11.4% net lot coverage was requested. Exh. 14.
4. In addition, since the new, larger garage extends farther forward on the lot and would not be located entirely in the rear yard (Exh. 2), a waiver of the rear yard location requirement for an accessory building was also requested. Exh. 14.
5. Petitioner Darrell Walker testified that the existing detached garage, which is so small that they cannot open both doors of the car, will be replaced with the proposed larger garage in the same location in the rear yard. *See* Exhs. 7(A) and (B); 11(B) through (F). He stated that there will be about one 1½ feet between the new garage and the house.
6. He further testified that the new garage would be constructed of cinderblock, with a brick front and vinyl siding on the other sides. Exh. 21.

7. The Town of Bladensburg had no objection to the request. Exh. 19.

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 developed with a dwelling in 1941, the dimensions and width of the property, the existing detached garage being too small to accommodate opening the doors of a vehicle, the proposed larger garage being built in the same location as the existing garage in the rear yard but extending farther forward on the lot, the existing driveway accessing the proposed garage, 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 11.4% net lot coverage and a waiver of the rear yard location requirement for an accessory building in order to validate an existing condition and construct a detached garage on the property located at Lots 105, 106 and Part of 107, Block 13, Decatur Heights Subdivision, being 5302 Tilden Road, Bladensburg, 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 revised elevation plan, Exhibit 21.

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.