

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-116-15 Michael Ferrell

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: November 18, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Marlboro Meadows Civic Association

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

Petitioner: Michael Ferrell

Appeal No.: V-116-15

Subject Property: Lot 28, Block 16, Marlboro Meadows Subdivision, being 4210 Canyonview Drive, Upper Marlboro, Prince George's County, Maryland

Witness: Janet Ferrell, Petitioner's wife

Heard: November 4, 2015; Decided: November 18, 2015

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 27-120.01(c) of the Zoning Ordinance, which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to convert the attached garage into living space. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1967 contains 13,727 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, attached garage, driveway and shed. Exhibits ("Exhs.") 2, 3, 9 and 10. The existing dwelling was built in 1973. Exh. 9.
2. The property is irregular in shape and widens from front to rear. Exhs. 2 and 3.
3. Petitioner would like to convert an existing 12' x 26.5' attached garage into living space (Exh. 2), but a variance is needed to obtain a building permit (Exh. 6). Since conversion of the garage into living space will cause the driveway, which is in the front yard and will no longer lead to an associated parking structure, to be in violation of Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh.13.
4. Petitioner testified that he would like to convert the garage on the left side of the house (Exhs. 4(A) and (B)) into living space for a family room. He submitted photographs of other homes in the neighborhood (Marlboro Meadows) with converted garages on their street (Exhs. 5(B) and (C)) or within approximately a mile and a half of their property (Exhs. 5(A) and (E) through (U)) to illustrate that their requested garage conversion will not be out of character in the neighborhood.
5. Petitioner further testified that the front of the converted garage would have a window and a brick exterior matching the house as closely as possible. See Exhs. 20(a) and (b).
6. Francis Holmes, Chairperson, Marlboro Meadows Civic Association, submitted a letter supporting the variance 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the existing conditions on the property, the need for additional living space, conversion of the existing attached garage providing space for a family room, conversion of the garage into living space causing the driveway to be in violation of Section 27-120.01(c), a waiver of the parking area location requirement being needed to obtain a building permit for the conversion, 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, by majority vote, Board Member Anastasia Johnson being absent, that a waiver of the parking area location requirement in order to convert the attached 12' x 26.5' garage into living space on the property located at Lot 28, Block 16, Marlboro Meadows Subdivision, being 4210 Canyonview Drive, Upper Marlboro, 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 2, and the approved elevation plans, Exhibits 20(a) through (d).

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.