

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-105-15 John and Paulette Hamilton

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 November 4, 2015, 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
Other Interested Parties

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

Petitioners: John and Paulette Hamilton

Appeal No.: V-105-15

Subject Property: Lot 20, Block I, Rambling Hills Subdivision, being 10105 Cascade Lane, Upper Marlboro, Prince George's County, Maryland

Witness: Vicky Orem

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, Petitioners request that the Board approve variances from Section 27-442(i)(Table VIII) of the Zoning Ordinance, which prescribes that accessory buildings shall be set back 2 feet from the rear lot line and generally be located only in the rear yard and Section 27-120.01(c), 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. Petitioners propose to validate existing conditions and construct a driveway extension. A variance of .5 foot rear lot line setback for one accessory building, a waiver of the rear yard location requirement for a second accessory building and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 12,500 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and three sheds. Exhibits ("Exhs.") 2, 3, 7 and 8. The existing dwelling was built in 1975. Exhs. 7 and 8.

2. Petitioners would like to construct an 8' x 23' driveway extension to left of the existing driveway, but variances are needed to obtain a building permit. Since a portion of the new driveway area would be located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 11.

3. In addition, the locations of two existing sheds require validations with variances. Since one shed is located only 1.5 feet from the rear lot line and another shed is located in the side yard, a variance of .5 foot rear lot line setback for one accessory building and a waiver of the rear yard location requirement for the second accessory building were requested. Exh. 11.

4. Vicky Orem testified that Mr. Hamilton is wheelchair bound and the driveway extension is necessary to accommodate the van used to transport him.

5. Petitioner Paulette Hamilton added that the extra driveway space is needed for her husband's scooter which is used to prevent falls. She also stated that a lift is used to assist her husband (into the vehicle). She also explained that both sheds are needed to store a lawn mower and other equipment.

6. Signed statements of consent for the proposed driveway by five neighbors and the president of the Largo Civic Association were submitted into the record. Exh. 5.

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 existing conditions on the property, the location of two sheds requiring validation before obtaining a building permit to extend the existing driveway, the driveway needing to be widened to accommodate the wheelchair bound resident of the property and preclude falling accidents, the sheds providing needed storage area for yard equipment, 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 a variance of .5 foot rear lot line setback for one accessory building, a waiver of the rear yard location requirement for a second accessory building and a waiver of the parking area location requirement in order to validate existing conditions and construct an 8' x 23' driveway extension on the property located at Lot 20, Block I, Rambling Hills Subdivision, being 10105 Cascade Lane, Upper Marlboro, 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.

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.