

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-96-15 William and Letitia Lawson

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 14, 2015.

CERTIFICATE OF SERVICE

This is to certify that on October 28, 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
Enterprise Estates Civic Association

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

Petitioners: William and Letitia Lawson

Appeal No.: V-96-15

Subject Property: Lot 16, Block B, Enterprise Estates Subdivision, being 3703 Clairton Drive, Bowie,
Prince George's County, Maryland

Witness: Rufus Daniel, neighbor

Heard and Decided: October 14, 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 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, Petitioners request that the Board approve a variance from Section 27-442(c) (Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition and construct a shed. A variance of 3.5% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 17,451 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1973. Exhs. 7 and 8.

2. The property is an odd-shaped lot, with a curved front street line and an irregular rear lot line. Exhs. 2 and 4.

3. Petitioners would like to construct a 12' x 30' shed in the rear yard (Exhs. 3 and 5(C) through (H)), but a variance is needed to obtain a building permit. Since the allowed amount of net lot coverage (25%) is already exceeded by existing development on the property and construction of the shed would cause further overage, a variance of 3.5% net lot coverage was requested. Exhs. 11 and 12.

4. Petitioner William Lawson testified that the proposed shed would be built behind the parking pad and a fence. Exhs. 5(A) through (H); 21(A) and (B). He explained the house was built before driveway area was included in lot coverage, but driveways are now included as part of lot coverage.¹ He stated that because lot coverage is already exceeded because of the pre-existing driveway, the proposed shed cannot be constructed without the necessary variance before obtaining a building permit.

5. He stated that he has a rear-load garage and the only other option he has would be to locate the shed on the parking pad, but that would make it impossible to get in and out of the garage.

6. He further testified that neighbors have sheds, including some with two sheds.

7. Signed statements of no objection from neighbors were submitted into the record. Exh. 19.

¹ See Section 27-442(c) (Table II) of the Zoning Ordinance.

8. Enterprise Estates Civic Association did not oppose the request. Exh. 20.

9. The Historic Preservation Section of M-NCPPC stated that the subject property is located within a half mile of Historic Site 73-005 Belvidere and the variance request will have no effect on Historic Sites, Historic Resources or Historic Districts. Exh. 17.

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 property being developed in 1973, driveway area not being counted as net lot coverage at the time the property was developed (including driveway area), the driveway area now causing coverage to exceed the amount allowed, the parking pad area not being a suitable area to locate the shed because it is needed to provide access in and out of the existing rear-load garage, the proposed shed meeting all setback requirements, 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 3.5% net lot coverage in order to validate an existing condition and construct a 12' x 30' shed on the property located at Lot 16, Block B, Enterprise Estates Subdivision, being 3703 Clairton Drive, Bowie, 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 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.