

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-32-15 Arthur and Camille Keith

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: May 13, 2015.

CERTIFICATE OF SERVICE

This is to certify that on June 8, 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

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

Petitioners: Arthur & Camille Keith

Appeal No.: V-32-15

Subject Property: Lots 15 & 16, Block Y, Carmody Hills Subdivision, being 6709 Clinglog Street, Capitol Heights, Prince George's County, Maryland

Heard and Decided: May 13, 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(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(d)(Table III), which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line; and 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. Petitioners propose to validate existing conditions and construct a detached garage. Variances of 1,000 square feet net lot area, 10 feet front building line width and 19.3% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1924, contains 4,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1932. Exhs. 7 and 8.
2. The property consists of two zoning lots and is narrow, being only 40 feet wide. Exh. 2.
3. Petitioners would like to construct a 12' x 24' detached garage at the end of the existing driveway, but variances are needed to obtain a building permit. Since the allowed amount of net lot coverage is already exceeded by existing development on the property, and construction of the proposed detached garage would cause additional overage, a variance of 19.3% net lot coverage was requested. Exhs. 11 and 12.
4. Variances are also needed to validate existing conditions. Since the lot size and width of the lot at the front building line do not meet the current requirements in the R-55 zone, variances of 1,000 square feet net lot area and 10 feet front building line width were also requested. Exh. 12.
5. Petitioner Arthur Keith testified that the proposed garage would be pre-constructed (Exh. 19) before being placed on the property and be used as a place to restore his classic vehicle which now sits on concrete beside the house with a tarp covering it. Exh. 5(A). He stated that the concrete area in front of the proposed garage is used as a concrete patio.

6. Petitioner further testified that the property to the left of his has a very large yard adjacent to the subject property (Exhs. 5(B) and (C), 9(B) through (F)) and the property to his rear has two sheds in its rear yard (Exhs. 9(D) and (E)).

7. Petitioner stated that he plans to put drainage pipes under gravel at the side of the driveway to steer runoff water to the street. He noted that because his property slopes down toward the street, water naturally flows forward on his property. See Exh. 5(A).

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 subdivided in 1924, the narrowness of the property, the house being built many years ago, the need for a single-car garage in which to protect and store a classic vehicle being restored, 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 1,000 square feet net lot area, 10 feet front building line width and 19.3% net lot coverage in order to validate existing conditions and construct a 12' x 24' detached garage on the property located at Lots 15 & 16, Block Y, Carmody Hills Subdivision, being 6709 Clinglog Street, Capitol Heights, 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 plans, Exhibits 3(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.