

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-19-15 Sampson and Earnestine Harding

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: April 29, 2015.

CERTIFICATE OF SERVICE

This is to certify that on May 18, 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: Sampson and Earnestine Harding

Appeal No.: V-19-15

Subject Property: Parcels 144 & 224, Tax Map 117, Grid B4, being 9506 Atom Road, Clinton,
Prince George's County, Maryland

Heard and Decided: April 29, 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 an addition on a detached garage. A variance of 7% net lot coverage is requested.

Evidence Presented

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

1. The property contains 35,500 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, two driveways, a detached garage and a shed. Exhibits ("Exhs.") 2, 10 and 11. The existing dwelling was built in 1960. Exhs. 10 and 11.

2. The property consists of Parcel 144 (created in 1968) and Parcel 224 (created in 1970). Exhs. 4 and 6. Petitioners purchased Parcel 144, on which the dwelling is located, in 1977 and purchased Parcel 224, on which the detached garage is located, in 1984. Exhs. 5 and 7. Both of these abutting parcels front on Atom Road. Exh. 2.

3. Existing driveway area covers a large amount of Parcel 224, all of which is either gravel or asphalt except for an approximately 200 square foot area of concrete slab directly in front of the existing garage. Exhs. 2, 8(B) and (C).

4. Petitioners would like to construct a 15' x 30' addition on the front of the existing detached garage, but a variance is needed to obtain a building permit. Although the proposed addition would be built over existing driveway area, the legally allowed amount of net lot coverage is exceeded by the total existing development on the property. Exh. 14. To validate the condition of the existing overage and permit additional coverage for the garage addition, a variance of 7% net lot coverage was requested. Exh. 15.

5. Petitioner Sampson Harding testified that Parcel 224 was purchased to build the garage which has existed since 1986, but which left no area in the rear on which to add on. As such, Petitioner would like to add a 15-foot deep addition at the front of the garage for more storage space. He explained that he currently parks a pick-up truck in the garage, uses the shed to store the lawn mower, and keeps a snow plow next to the garage with canvas over it.

6. He stated that the proposed addition to the garage will look identical to the existing garage with the same type of door and windows and bushes will be moved to the side of the garage. He explained that the house is located about 30-40 feet from the garage. See Exhs. 12(B) through (E).

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 property being made up of two parcels, the existing garage being located on one parcel and the dwelling on the other parcel, the lack of space on Parcel 224 behind the garage on which to build an addition, there being a large amount of existing driveway area on the property, most of the proposed garage addition to be built over existing driveway area, much of the existing garage already being used for storage, 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 7% net lot coverage in order to validate an existing condition and construct a 15' x 30' addition on a detached garage on the property located at Parcels 144 & 224, Tax Map 117, Grid B4, being 9506 Atom Road, Clinton, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in conformance 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.