

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-18-15 Cheryl Atkinson

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 27, 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: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
City of District Heights  
City of District Heights, Code Enforcement  
Other Interested Parties

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

Petitioner: Cheryl Atkinson

Appeal No.: V-18-15

Subject Property: Lot 10, Block 57, District Heights Subdivision, being 6911 Foster Street, District Heights,  
Prince George's County, Maryland

Municipality: City of District Heights

Witness: Loretta Powers, neighbor

Heard: March 25, 2015; 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 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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 8 feet in width. Petitioner proposes to validate existing conditions and obtain a building permit for an attached carport. Variances of 4 feet front yard depth and 8 feet side yard width are requested.

Evidence Presented

1. The property was subdivided in 1947, contains 6,800 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits ("Exhs.") 2, 4, 9 and 10. The property was improved with a single-family dwelling in 1948. Exhs. 9 and 10.
2. The property is located within the municipal limits of the City of District Heights. Exh. 10.
3. Petitioner was issued Notice No. 14-407 ("Violation Notice") from the City of District Heights Code Enforcement Office. Exh. 7.
4. Petitioner would like to obtain a building permit to complete construction of a 12.3' x 25' attached carport over existing driveway area, but variances are needed to obtain the permit. Since the carport extends to the side lot line at the closest point, a variance of 8 feet side yard width was requested. In addition, because the existing covered front porch is located 21 feet from the front street line, a variance of 4 feet front yard depth was also requested. Exh.12.
5. Petitioner testified that she received the Violation Notice after she had commenced work on the carport. Exhs. 5(C) through (I). She stated that the carport will provide a sense of security at night and protection from the weather.
6. Petitioner further testified that carports are not unusual in the neighborhood and submitted photographs of other properties with carports. Exhs. 6(A) through (G).
7. Loretta Powers, a neighbor who lives across the street from Petitioner, stated that the appearance of the carport was fine.
8. The City of District Heights supported Petitioner's request for a variance. Exh. 20.

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 need for setback variances in order to obtain a building permit to complete construction of an attached carport, the carport being built over existing driveway area, the need for more secure parking, the carport providing a sense of security and protection from the weather, 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, unanimously, that variances of 4 feet front yard depth and 8 feet side yard width in order to validate existing conditions and obtain a building permit for an attached 12.3' x 25' carport on the property located at Lot 10, Block 57, District Heights Subdivision, being 6911 Foster Street, District Heights, Prince George's County, Maryland, be and are 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.