

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-10-15 Roosevelt and Nereka Wilson

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: March 11, 2015.

CERTIFICATE OF SERVICE

This is to certify that on April 1, 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: Roosevelt & Nereka Wilson

Appeal No.: V-10-15

Subject Property: Lot 23, Block S, Chapel Oaks Subdivision, being 1306 Chapel Lane, Capitol Heights,
Prince George's County, Maryland

Heard and Decided: March 11, 2015

Board Members Present and Voting: Albert C. Scott, Vice Chairman (Acting 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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking, 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 construct a driveway in the front yard. A variance of 3.3% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1944, contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits ("Exhs") 2, 3, 6 and 7. The existing single-family dwelling was built in 1944. Exhs. 6 and 7.

2. The property is narrow, being only 50 feet wide, and has an irregularly-shaped rear yard with a sharply-angled rear property line. The side yards on either side of the house are narrow. Exh. 2.

3. Petitioners would like to construct a 20' x 20' driveway, part of which would be located in front of the dwelling (Exh. 2), but variances are needed to obtain a building permit. Since construction of the driveway would cause the allowed amount of net lot coverage to be exceeded and a portion of the driveway would be located in the area of the front yard prohibited by Section 27-120.01(c), a variance of 3.3% net lot coverage and a waiver of the parking area location requirement were requested. Exhs. 10 and 11.

4. Petitioner Roosevelt Wilson testified that they are located on a cul-de-sac with 9 or 10 houses, each of which has 2-3 cars. He stated that people from Addison Road also park on their street (Chapel Lane) causing Petitioners to sometimes to have to park far away around the corner. He explained that this presents a hardship because of his wife's work schedule and the fact that their son is very obese and has trouble walking.

5. Mr. Wilson further testified that they have three vehicles. He stated that his property and one across the street are the only properties without a driveway and that there are properties on Addison Road have driveways in front of the houses.

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 1944, the lot containing only 5,000 square feet, the house being built in 1944, the narrowness of the side yards, there being insufficient on-street parking, a family member having difficulty walking to and from a vehicle parked far away from the property, 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, by majority vote, Ms. Mack absent, that a variance of 3.3% net lot coverage and a waiver of the parking area location requirement in order to construct a 20' x 20' driveway in the front yard on the property located at Lot 23, Block S, Chapel Oaks Subdivision, being 1306 Chapel Lane, 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.

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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.