

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-93-14 Christopher Carson

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: January 28, 2015.

CERTIFICATE OF SERVICE

This is to certify that on February 4, 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
DPIE/Inspections Division
West Laurel Civic Association

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

Petitioner: Christopher Carson

Appeal No.: V-93-14

Subject Property: Lot 7, Block C, Walker Hill Subdivision, being 7008 Redmiles Road, Laurel,
Prince George's County, Maryland

Witness: William Painter, neighbor

Heard: January 7, 2015; Decided: January 28, 2015

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal was 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 requested that the Board approve variances 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, Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side lot line, 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. Petitioner proposed to validate existing conditions and obtain a building permit for a new detached garage and driveway extension. Variances of 12.4% net lot coverage, .3 foot side lot line setback for an accessory building and a waiver of the parking area location requirement were requested.

Evidence Presented

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

1. The property was subdivided in 1964, contains 13,592 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and detached garage. Exhibits ("Exhs.") 4, 9, 10 and 20. The existing single-family dwelling was built in 1966. Exhs. 9 and 10.
2. The property has an irregular rear property line. Exhs. 4 and 20.
3. Petitioner was cited with Building Violation Notice No. 39882-14-00, dated October 7, 2014, by the Department of Permitting, Inspection and Enforcement, Inspections Division, requiring that the required permit(s) be obtained for work done at the property, including but not limited to a garage and extended driveway, or the work be removed. Exh. 7.
4. Petitioner would like to obtain a building permit for a new 30.2' x 30.2' detached garage and driveway extension (Exhs. 5(A) through (J)), but variances are needed to obtain the permit. Since the garage is located 1.7 feet from the side lot line at the closest point, a variance of .3 foot side lot line setback was requested. Exh. 14.

5. Petitioner is also proposing to construct a shed on a 10' x 10' concrete foundation. Since the allowed amount of net lot coverage is already exceeded with construction of the garage and additional driveway area, and construction of the proposed shed will further increase the overage, a variance of 12.4% net lot coverage was requested. Exhs. 13 and 14. In addition, since a portion of the new driveway area is located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was also requested. Exh. 14.

6. Petitioner testified that when repaving and extending the existing driveway about a year ago, he added the paved area in front of the house because the grass would not grow because of the overhang on the front of the house. He agreed to add a barrier to prevent driving or parking in that area.¹

7. Petitioner stated that he desired the garage to provide cover for his collection of automobiles and for storage space.

8. William Painter, a neighbor who lives across the street, testified that the property next door to Petitioner's property has an identical rear garage and driveway. Exhs. 11(A) through (E).²

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 existing conditions on the property, the need for additional parking area, the need for parking area to protect automobiles from the weather, Petitioner agreeing to install a barrier to prevent driving or parking on the concrete area immediately in front of the house, 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 11.1% net lot coverage and .3 foot side lot line setback for an accessory building in order to validate existing conditions and obtain a building permit for a new 30.2' x 30.2' detached garage and a driveway extension on the property located at Lot 7, Block C, Walker Hill Subdivision, being 7008 Redmiles Road, Laurel, Prince George's County,

¹ A revised site plan (Exh. 20) was submitted indicating that bollards will be put in to prevent driving on the pavement in front of the house. With the site plan revision, a waiver of the front yard parking requirement is not needed and the request for a variance for net lot coverage was reduced from 12.4% to 11.1%. Compare Exhs. 13 and 21.

² No comments were received from West Laurel Civic Association.

Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 20, 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.