

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-85-14 Tyro & William James, Jr.

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: November 19, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on December 17, 2014 , 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
Other Interested Parties

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

Petitioners: Tyro & William James, Jr.

Appeal No.: V-85-14

Subject Property: Part of Lot 26, Block F, Andrew Hills Subdivision, being 4908 Cleveland Court, Temple Hills, Prince George's County, Maryland

Witness: Roosevelt Pitts, Petitioners' contractor

Heard and Decided: November 19, 2014

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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth, and Section 27-442(i)(Table VIII), which prescribes that on corner lots accessory buildings shall be set back 60 feet from the front street line, 30 feet from the side street line, 2 feet from any side or rear lot line and 10 feet from the rear lot line if not 60 feet from the side street line. Petitioners propose to validate existing conditions and enlarge and enclose an existing attached carport. Variances of 19 feet front yard depth, 1.5 feet side lot line setback and .5 foot rear lot line setback for one accessory building and 9.5 feet rear lot line setback for a second accessory building are requested.

Evidence Presented

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

1. The property is part of a lot that was subdivided in 1960, with the current configuration being created by deed in 1963. Exhibits ("Exhs.") 2, 4, 6 and 7. The property contains 10,351 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhs. 2, 4, 10 and 11.
2. The property is an odd-shaped corner lot with the house facing the legal side street. Exh. 2. The property is located at the lip of a cul-de-sac. Exh. 4. The existing dwelling was built in 1962. Exhs. 10 and 11.
3. Petitioners would like to enlarge and enclose an existing attached carport to create a 24' x 25' attached garage, but variances are needed to obtain a building permit. Since the garage would be located only 6 feet from the front street line at the closest point, a variance of 19 feet front yard depth was requested. Exh. 14.
4. Certain existing conditions must also be validated to obtain the building permit. Since one of the existing sheds is located 60 feet from the side street line, .5 foot from the side lot line and 1.5 feet from the

rear lot line and the other shed is located 54 feet from the side street line and .5 foot from the rear lot line, variances of 1.5 feet side lot line setback and .5 foot rear lot line setback for one shed and 9.5 feet rear lot line setback for the second shed were requested. Exh. 14.

5. Petitioner William James testified that they would like to convert a one-car carport into an enclosed two-car garage for safety reasons.

6. Petitioner Tyro James testified that there is existing driveway area to the side of the carport (Exhs. (A) through (G)) where they will extend and build the garage which will not block any neighbors' view.

7. Roosevelt Pitts, Petitioners' contractor, testified that the existing downspouts will be extended for the larger structure and that the property slopes down toward the street. He stated that the exterior of the garage will be brick to match the existing house.

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 a corner lot, the house facing the legal side street, the unusual shape of the property, the location of the existing driveway and carport, the need for a safe location, 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 19 feet front yard depth, 1.5 feet side lot line setback and .5 foot rear lot line setback for one accessory building and 9.5 feet rear lot line setback for a second accessory building in order to validate existing conditions and enlarge and enclose an existing attached carport to create a 24' x 25' attached garage on the property located at Part of Lot 26, Block F, Andrew Hills Subdivision, being 4908 Cleveland Court, Temple Hills, 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) and (b).

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.