

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-75-14 Argbah Momolu

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 5, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on November 12, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Templeton Knolls Civic Association

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

Petitioner: Argbah Momolu

Appeal No.: V-75-14

Subject Property: Lot 28, Block L, Templeton Knolls Subdivision, being 6308 Carters Lane, Riverdale,
Prince George's County, Maryland

Heard and Decided: November 5, 2014

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

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, Petitioner requests that the Board approve a variance 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. Petitioner proposes to validate an existing condition and obtain a building permit for a new shed. A variance of 7.8% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 3,545 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1951. Exhs. 8 and 9.
2. The lot is extremely narrow, being only 34 feet wide. Exh. 2.
3. Petitioner was cited with Building Violation Notice 32949-2014, dated August 12, 2014, by the Department of Permitting, Inspections and Enforcement, Inspections Division, requiring that Petitioner obtain the required permit(s) for work done on the property, including erection of a shed over 150 square feet, or remove the same from the property. Exh. 6.
4. Petitioner would like to obtain a building permit for a new 13'8" x 14'8" shed in the rear yard, but a variance is needed. Since the allowed amount of net lot coverage was exceeded by existing development on the property, and construction of the shed caused further excess, a variance of 7.8% net lot coverage was requested. Exhs. 12 and 13.
5. Petitioner testified that she has lived at the property since 2011 and needs the shed for storage.
6. She stated that the shed causes no water runoff problem for an adjoining neighbor.
7. She submitted photographs of other sheds on properties in the neighborhood. Exhs. 20 and 21.
8. The Historic Preservation Section of The Maryland-National Capital Park and Planning Commission commented that the property is located approximately 400 feet from Historic Site 69-026 (Baltimore-Washington Parkway) and the request has no effect on Historic Sites or Historic Resources. Exh. 16.

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 the dimensions and narrowness of the property, the need for storage space, the presence of other sheds in the neighborhood, and 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, by majority vote, Ms. Johnson absent, that a variance of 7.8% net lot coverage in order to validate an existing condition and obtain a building permit for a new 13'8" x 14'8" shed on the property located at Lot 28, Block L, Templeton Knolls Subdivision, being 6308 Carters Lane, Riverdale, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance 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.