

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-83-13 Henry & Paula Graves

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 6, 2013 .

CERTIFICATE OF SERVICE

This is to certify that on November 19, 2013 , 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: Henry & Paula Graves

Appeal No.: V-83-13

Subject Property: Lot 2, Keyser Estates Subdivision, being 9219 Sherry Lane, Clinton,
Prince George's County, Maryland

Witnesses: Douglas Wych Sr., neighbor
Floyd Washington, contractor

Heard: September 25, 2013; Decided: November 6, 2013

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 accessory buildings shall not exceed 15 feet in height. Petitioners propose to validate existing conditions and obtain final inspection of an enclosed porch, deck, attached garage, driveway extension and shed with deck. Variances of 5 feet front yard depth and 11 inches accessory building height are requested.

Evidence Presented

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

1. The property was subdivided in 1975, contains 20,000 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed with deck. Exhibits ("Exhs.") 2, 4, 8 and 16. The existing single-family dwelling was built in 1980. Exhs. 8 and 16.
2. The property is an odd-shaped lot located on a cul-de-sac. Exhs. 2 and 4. The property slopes behind the house. Exhs. 5(A) through (H).
3. Petitioners would like to validate an existing 7' x 8' covered front porch and 12' x 18' shed, with a 7' x 8' deck, in order to obtain final inspection of a 12' x 42' enclosed porch, 8' x 12' deck, 26'9" x 26'6.6" attached garage, driveway extension and shed with deck, but variances are needed. Since the existing covered front porch is located 20 feet from the front street line and the shed exceeds the maximum height allowed for an accessory building, variances of 5 feet front yard depth and 11 inches accessory building height were requested. Exh. 10.
4. Petitioner Henry Graves testified that he has lived at the property for 33 years and would like to sell the property. He stated that the structures to be validated were built in approximately 1983.
5. Floyd Washington testified that he is a contractor assisting the owner in drawing up building plans to finalize a permit. He stated that part of the shed is lower than where the steps start up to the deck (Exh. 5(J)). He explained that it would not be possible to reduce the shed structure to comply with the 15-foot

height requirement without removing the entire roof, cutting off about a foot and a half of the second level and restoring the roof, which would result in no more than 6 feet of height for walking in the shed.

6. Mr. Graves stated that the shed is used for storage/lawn equipment. He testified that he built two sheds, one of which rotted and he built the taller shed that now needs a variance. He said that the shed is not wired for electricity.

7. Douglas Wych, a neighbor, testified that he has two acres on the woods side and cannot view the shed through 60-foot trees.

8. Mr. Washington testified that a swamp is located behind the shed (Exh. 5(K)) and the shed is also not visible from property across the street.

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 unusual shape of the property, the sloping topography in the rear of the property, the property being located on a cul-de-sac, certain structures needing validation prior to sale of the property, the structures having been built approximately 20 years ago, the accessory shed structure replacing a rotting structure and being used for storage/lawn equipment, the shed structure not being visible from either the wooded property to the rear or the property across the street, 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 5 feet front yard depth and 11 inches accessory building height in order to validate an existing 7' x 8' covered front porch and 12' x 18' shed, with a 7' x 8' deck, and obtain final inspection of a 12' x 42' enclosed porch, 8' x 12' deck, 26'9" x 26'6.6" attached garage, driveway extension and the shed with deck on the property located at Lot 2, Keyser Estates Subdivision, being 9219 Sherry Lane, Clinton, 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.