

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-111-13 Milton & Darlene Harrison

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 29, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on February 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division

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

Petitioners: Milton & Darlene Harrison

Appeal No.: V-111-13

Subject Property: Lot 24, Block J, Apple Grove Subdivision, being 7518 Blanford Drive, Fort Washington,
Prince George's County, Maryland

Heard: January 15, 2014; Decided: January 29, 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 side yard at least 8 feet in width, 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 27-442(i)(Table VIII), which prescribes that dog kennels shall be located 25 feet from any side or rear lot line and 50 feet from any dwelling on an adjoining lot. Petitioners propose to validate existing conditions and obtain a building permit to complete construction of an attached carport. Variances of 6.5 feet side yard width, .3% net lot coverage, and a waiver of the dog kennel location requirements are requested.

Evidence Presented

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

1. The property was subdivided in 1963, contains 11,316 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, attached carport (under construction), driveway, shed and dog kennel. Exhibits ("Exhs.") 3, 4, 8 and 9. The existing single-family dwelling was built in 1965. Exhs. 8 and 9.
2. The property has an unusual shape, with one side lot line longer than the other side lot line and a rear property line break, causing a rear yard with an asymmetrical configuration. Exh. 2.
3. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Violation Notice No. 40233-2013-1, dated November 18, 2013, requiring Petitioners to either obtain building permits for the addition or remove it. Exh. 6.
4. Petitioners would like to obtain a building permit to complete construction of a 17.6' x 37.5' attached carport, but certain existing conditions must be validated and since the carport is located only 1.5 feet from the side lot line, and construction of the carport causes the allowed amount of net lot coverage (30%) to be exceeded, variances of 6.5 feet side yard width and .3% net lot coverage were requested. Exhs. 12 and 13.
5. The attached garage is located between the house and carport. Exh. 2.

6. Petitioner Milton Harrison testified that the construction of the carport over the existing driveway area on the side of the house was almost complete (Exhs. 5(A), (C) through (F)) when the Violation Notice was issued (Exh. 6). He explained that the attached garage has room for only one car and the carport would accommodate four additional cars. He further stated that he spoke to "all the neighbors" about the construction.¹

7. An existing 11' x 13' dog kennel is located along the rear and side lot lines in the left rear corner of the property and does not meet the required location requirements. Exh. 2. A waiver of the dog kennel location requirements was also requested. Exh. 13.

8. Petitioner Milton Harrison testified that the dog kennel is for two dogs and is not used to breed dogs.

9. Petitioner Darlene Harrison testified that to meet the setback requirement, the dog kennel would have to be moved to the middle of the back yard about half way between the shed and deck.

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 covered off-street parking, the carport having been built over existing driveway area, the usability of the back yard being drastically compromised if the required setback for the location of the dog kennel were met, 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 6.5 feet side yard width, .3% net lot coverage, and a waiver of the dog kennel location requirements in order to validate existing conditions and obtain a building permit to complete construction of a 17.6' x 37.5' attached carport on the property located at Lot 24, Block J, Apple Grove Subdivision, being 7518 Blanford Drive, Fort Washington, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon

¹ Milton Harrison further testified that shingles will be placed on the roof and siding on the side to complete construction of the carport. He explained that there is a walk-out basement on the house and the carport sits above the rear yard, with a gate at the front and a railing and steps to the rear yard on the back that already existed. Exhs. 5(C) through (H). He stated that the roof of the carport will be a continuation of the house roof, which will be completely redone, and will tie into the gutters on the attached garage. Exh. 3.

development in compliance with the approved site plan, Exhibit 2, 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.