

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-48-17 11115 Atwell Avenue Revocable Trust (Sakher Abdulla, Trustee)

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: June 7, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on June 19, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone
Acting Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

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

Petitioner: 11115 Atwell Avenue Revocable Trust (Sakher Abdulla, Trustee)

Appeal No.: V-48-17

Subject Property: Lot 69, Block A, Glenn Dales Estate Subdivision, being 11115 Atwell Avenue, Bowie,
Prince George's County, Maryland

Heard and Decided: June 7, 2017

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 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(e)(Table IV) of the Zoning Ordinance which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioner proposes to construct an attached garage in the rear yard. A variance of 15 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 1974, contains 11,397 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, deck and shed. Exhibits (Exhs.) 2, 4, 5 (A) thru (E), 8 and 10 (A) thru (F).
2. The property is a corner lot with the dwelling facing the legal side street (Atwell Avenue). Exhs. 2 and 4.
3. Petitioner would like to construct a 22' x 27' attached garage in the legal rear yard. A variance of 15 feet rear yard depth/width was requested. Exhs. 2 and 3.
4. Petitioner Sakher Abdulla testified that the dwelling was originally a model home for which the original owner elected not to have a garage but instead additional livable square footage for a bedroom. Exhs. 2 and 5 (A) thru (E).
5. He testified that most of the other properties in the subdivision have garages. Exhs. 2 and 10 (A) thru (F).
6. He further testified that the only practical location for the proposed garage is at the end of the existing driveway, as a fire hydrant is located on the opposite side of the dwelling within the public utility easement. Exhs. 2, 5 (A) thru (E).
7. Mr. Abdulla explained that the garage will have only one door and no access to the house. Exhs. 2 and 3.

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 subject property being a corner lot, the dwelling facing the legal side street (Atwell Avenue), the most suitable location for the proposed garage being at the end of the existing driveway, the dwelling being originally built as a model home without a garage 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 a variance of 15 feet rear yard depth/width to construct an attached 22' x 27' garage in the legal rear yard on the property located at Lot 69, Block A, Glenn Dale Estates Subdivision, being 11115 Atwell Avenue, Bowie, 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 approved elevation plans, 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.