

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-52-17 Ivory and Cassandra Brown

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 21, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on June 28, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
West End Farms Homeowners Association

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

Petitioners: Ivory and Cassandra Brown

Appeal No.: V-52-17

Subject Property: Lot 34, West End Farm Subdivision, being 13820 West End Farm Road, Upper Marlboro,
Prince George's County, Maryland

Heard and Decided: June 21, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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, Petitioners request that the Board approve a variance from Section 27-442(c) (Table II), which prescribes that not more than 5% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to construct a metal storage shed. A variance of 2% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1989, contains 218,671.2 square feet (5 acres), is zoned O-S (Open Space) and is improved with a single-family dwelling and driveway. Exhibit (Exhs.) 3, 5, 9 and 11 (A) thru (F).

2. The subject property is a flag lot which was developed under Section 24-121-(A) (12), Lot Size Averaging. Exhs. 3 and 5.

3. Petitioners would like to construct a 24' x 30' metal storage shed, which would be in the rear yard. As the existing development on the property exceeds the amount of lot coverage allowed, construction of the shed would be further overage. A variance of 2% net lot coverage was requested. Exhs. 3, 4 and 14.

4. Petitioner Ivory Brown testified that the proposed new storage shed would be located 380 feet behind their house. Exhs. 3, 4 and 6 (A) thru (E).

5. He further explained that he owns numerous pieces of large lawn equipment from which dangerous diesel fumes are emanated. He stated that he keeps his diesel tractor in his garage, but its fumes are causing "respiratory issues." He states that, consequently, he stores his other equipment (lawn mower, snow blower, cycle rake, etc.) with neighbors. Exhs. 11 (A) thru (F).

6. West End Farm Homeowners Association approved the proposed variance. Exh. 7.

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 owners 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 lot being a flag lot, development restricted to 5% lot coverage, the need to store large dangerous lawn equipment far away from the dwelling 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, by majority vote, Mr. Al Scott absent, that a variance of 2% net lot coverage in order to construct a metal storage shed on the property located at Lot 34, West End Farm Subdivision, being 13820 West End Farm Road, Upper Marlboro, 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 3 and approved elevation plan, Exhibit 4.

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.