

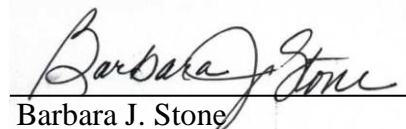
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-84-17 Cheryl and Melvin Blake, Jr.

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: September 27, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on October 25, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioners
 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

Petitioners: Cheryl and Melvin Blake, Jr.

Appeal No.: V-84-17

Subject Property: Lot 3, Cedar Farms Subdivision, being 16000 Venice Road, Aquasco,
Prince George's County, Maryland

Heard and Decided: August 9, 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, Petitioners request that the Board approve a variance from Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall generally be located only in the rear yard. Petitioners propose to construct a detached garage in the side yard. A waiver of the rear yard location requirement for an accessory building is requested.

Evidence Presented

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

1. The property was subdivided in 2005, contains 146,154 square feet (3.3552 acres), is zoned O-S (Open Space) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4 and 8.
2. Petitioners would like to construct an 18' x 21' detached garage, which would be located in the side yard. A waiver of the rear yard location requirement for an accessory building was requested. Exhs. 2 and 3.
3. Petitioner Melvin Blake testified that he is proposing to place a prebuilt steel garage in the legal side yard of his property to house a classic car. Exhs. 2, 3 and 5 (A) thru (C).
4. He further testified that the area of the proposed garage currently has a 25' x 25' parking pad which was constructed with approved building permit.¹ The area for the garage placement is limited to the side yard due to the rear yard is inaccessible as a propane tank and septic system are in the rear yard. Exhs. 2, 3 and 5 (A) thru (C).
5. Mr. Blake further stated that the rear of his property is also included in an approved Tree Conservation Area (TCP/66/03). Exh. 4

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

¹ 18226-2009-RG – 25' X 25' Concrete Pad issued June 17, 2009

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 location of the septic system, propane tanks, Tree Conservation Area in the rear yard, the most suitable remaining location on the subject property for the garage is in the legal side yard, there already existing a 25' x 25' parking pad under a building permit where the garage will be located 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 a waiver of the rear yard location requirement in order to construct an 18' x 21' detached garage in the side yard on the property located at Lot 3, Cedar Farms Subdivision, being 16000 Venice Road, Aquasco, 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 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.