

NOTICE OF FINAL DECISION

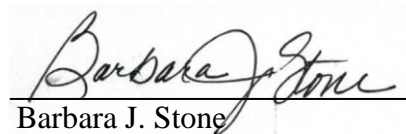
OF BOARD OF APPEALS

RE: Case No. V-3-18 Homeira Arfa

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: April 11, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on May 1, 2018 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
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: Homeira Arfa

Appeal No.: V-3-18

Subject Property: Parcel 84, Tax Map 124, Grid C4, being 11012 Piscataway Road, Clinton,
Prince George's County, Maryland

Counsel for Petitioners: Todd Pounds, Esq. Alexander and Cleaver

Witnesses: Alex Sallah, Engineer

John Russo, Husband of Petitioner (Contractor)

Heard and Decided: April 11, 2018

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(c)(Table II), which prescribes that not more than 20% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions and obtain a building permit for a new attached garage and driveway. A variance of 5.6% net lot coverage is requested.

Evidence Presented

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

1. The property contains 14,374 square feet, is zoned R-E (Residential-Estate) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 3, 10, 11 and 12 (A) thru (F).
2. The property was created by deed in 1948. Exhs. 6, 7 and 8.
3. Petitioner propose to validate existing conditions and obtain a building permit for a new a 20' x 20' attached garage and 20' x 50' driveway. Construction of the garage and driveway extension exceeds the amount of lot coverage allowed. A variance of 5.6% net lot coverage was requested. Exhs. 2, 3, 4 (A) thru (I), 5 and 15.
4. Counsel Todd Pounds stated that the house was built in 1925 with the driveway being gravel. He stated that the property is located on Piscataway Road, which is a major thoroughfare where heavy traffic travels at higher speeds. He explained that when pulling out onto Piscataway Road from the dirt driveway, where traffic is proceeding quickly, Petitioner's safety is often at issue when insufficient traction on the gravel driveway can be generated. He stated that having a concrete driveway would provide a greater level of traction to pull out a vehicle safely. Exhs. 2, 3, 4 (A) thru (I) and 5.
5. Mr. John Russo testified that there is no way to safely back out of the driveway onto Piscataway Road either; it is too dangerous. Exhs. 4 (A) thru (I) and 5.

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the pre-existing driveway consisting of gravel, the vehicular speed on Piscataway Road, the extremely dangerous condition of using a gravel driveway, the relative safety of a concrete driveway when navigating Piscataway Road, 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 5.6% net lot coverage to validate existing conditions and obtain a building permit for a new a 20' x 20' attached garage and 20' x 50' driveway on the property located at Parcel 84, Tax Map 124, Grid C4, being 11012 Piscataway Road, Clinton, Prince George's County, Maryland, be and are 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.