



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-99-21 Michael Williams

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: November 17, 2021.

CERTIFICATE OF SERVICE

This is to certify that on March 28, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone". Below the signature, the name "Barbara J. Stone" is printed in a smaller, sans-serif font, followed by the title "Administrator" in a slightly smaller font.

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: Michael Williams

Appeal No.: V-99-21

Subject Property: Lot 16, Block B, Eastpines Subdivision, being 6328 Patterson Street, Riverdale
Prince George's County, Maryland

Witness: Eddie Roberts, Architect

Heard: November 3, 2021; Decided: November 17, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Albert C. Scott, Vice Chairman

Board Member Absent: 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 variances from Section 27-442(e)(Table IV) prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions (side street yard depth and net lot coverage) and obtained a building permit for the construction of a storage shed. Variances of 7 feet side street yard depth and 4.1% of net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1941, contains 6,184 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and a small shed to be removed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject property is a corner lot with the legal front being on Eastpine Drive. The front of the house is facing the legal side street of Patterson Street. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioner proposes to validate existing conditions (side street yard depth and net lot coverage) and obtain a building permit for the construction of a storage shed. The legal side street (Patterson Street) setback is 25 feet for which a variance of 7 feet is required because of the protruding covered porch. In addition, the maximum allowable lot coverage is 30% in the R-55 zone. Combining the dwelling, driveway and proposed shed, the total net lot coverage on the property would be 34.1%, requiring a net lot variance of 4.1%. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

4. Petitioner Michael Williams testified that he would like to install a large shed¹ in the rear/side yard to be used to store medical equipment of his daughter who is a nurse. Currently, the medical equipment and supplies are kept in the house.

5. He stated that the proposed structure will be a shed and not a garage, although the shed will have a "garage door" because Petitioner has a vintage car that he would like to also place in the shed. He stated that the existing small shed will be removed. Exhs. 2, 3 (a) thru (d), and 5 (A) thru (C).

¹ The shed/garage is measured at 26 feet x 24 feet. Exh. 2.

6. The site plan designates the proposed structure as a shed, although, the elevation plan indicates that the structure is a garage. Exhs. 2 and 3(a-d).

7. The Board requested Petitioner to reduce the size of the structure and decide if the structure will be a shed or a garage. Exhs. 2, 3 (a) thru (d), and 5 (A) thru (C).

8. Eddie Roberts, Petitioner's architect, stated that the structure will be a shed.

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 does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board found that no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property existed on the property.

2. The proposed structure seems excessively large, and Petitioner was requested to reduce the square footage.

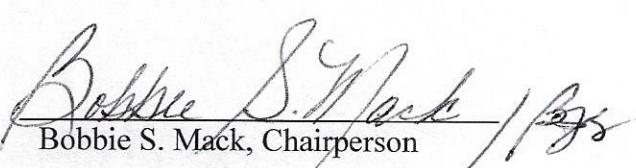
3. The Board also requested clarification of what type of structure was actually being proposed, either a shed or garage. A revised site and/or elevation plan was not submitted to address this ambiguity.

4. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a variances of 7 feet side street yard depth and 4.1% of net lot coverage in order to validate existing conditions (side street yard depth and net lot coverage) and obtained a building permit for the construction of a storage shed on the property located at 6328 Patterson Street, Riverdale, Prince George's County, Maryland, be and is hereby DENIED.

BOARD OF ZONING APPEALS

By:


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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.