

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

Petitioners: Geisorn and John Koenig

Appeal No.: V-17-19

Subject Property: Parcel 86, Tax Map # 124, Grid D-3, being 10580 Piscataway Road, Clinton,
Prince George's County, Maryland

Witness: Sandy Michelle Miller, Neighbor

Heard and Decided: July 17, 2019

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 variances 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 variances from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 150 feet along the front building line. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioners propose to validate an existing condition (property) and construct a detached open carport. Variances of 45.7 feet front building line width, 2 feet side lot line setback and waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1955, contains 11,000 square feet, is zoned R-E (Residential-Estate) and is improved with a single-family dwelling, driveway, open deck, shed and patio. Exhibits (Exhs.) 2, 4, 5, 10, 11 and 12 (A) thru (G),
2. The property is extremely long and narrow (rectangular) and is surrounded by farm fields. (Exhs.) 2, 4, 5, 10, 11 and 12 (A) thru (G).
3. Petitioners originally requested permission to construct a garage but revised his proposal to construct a 18' x 28' carport. Because the carport will be located close to the side property line as well as beside the dwelling, a variance of 2 feet side yard setback and a waiver rear yard location requirement for an accessory building was requested, respectively. Exhs. 3, 6 (A) thru (D), 7 and 18.
4. The pre-existing driveway is located on the left side of the property and will be connected to the proposed carport. A brick patio is located in the rear of the area where the carport is proposed. Exh. 2.
5. Petitioner John Koenig testified that he originally desired to construct a 18' by 41' enclosed garage to house a recreational vehicle, but the cost was prohibitive. The new proposal is a simple 18' x 28' open carport located next to the house. He stated that he cannot move the proposed carport closer to the house because of a metal chimney on the side of the house and does not want the carport near the chimney. Exhs. 3, 6 (A) thru (D), 7 and 18.
6. Ms. Sandy Miller testified that she owns the land at 11417 Tippet Road and does not object to the proposed carport so long as it does not intrude over the property line.

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 driveway pre-existing on the left side of the lot, the need to safeguard the proposed carport from proximity of the metal chimney, the location of the brick patio precludes moving the carport deeper to the left/rear of the property, 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 variances of 45.7 feet front building line width, 2 feet side lot line setback and waiver of the rear yard location requirement for an accessory building in order to validate an existing condition (property) and construct a detached open carport (18' x 28') on the property located at 10580 Piscataway Road, Clinton, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18 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.