

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

Petitioner: Shazia Reyes

Appeal No.: V-125-19

Subject Property: Lot 1, Shago Subdivision, being 7600 Cardinal Lane, Fort Washington,
Prince George's County, Maryland

Heard and Decided: January 8, 2020

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 variances from Ordinance Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. 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 27-420(a) prescribes that on lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high without the approval of a variance; on corner lots consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to obtain a building permit for the construction of a one-story addition with steps. Variances of 10 feet front yard depth, 13 feet side street yard depth and a waiver of the fence height and location requirements for a fence over 4 feet in height in the side yard (abutting Shago Drive) are requested.

Evidence Presented

1. The property was subdivided in 1976, contains 12,452 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. The property is a corner lot and is 5-sided. Cardinal Lane is the considered the legal front street. Exhs. 2 and 4.
3. Petitioner would like to construct a one-story addition with steps for which variances of 10-feet front yard setback and a side street yard depth of 13-feet are requested. In addition, because the lot is a corner lot, the existing 6-foot fence will require a waiver of the height and location abutting the side street Shago Drive. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (D).
4. A revised site plan was submitted to replace the original site plan as the original site plan did not demonstrate the height of the fence. Exh. 18.
5. Ms. Shazia Reyes explained that she would like to construct a 1-story addition because her growing family includes 3 children, and the proposed addition will provide additional living space. She stated that two daughters currently share a bedroom and their son is in the master bedroom with his parents. Exhs. 3 (a) thru (b), 5 (A) thru (D) and 18.
6. The addition will include two bedrooms and a living room. Exhs. 3 (a) thru (b), 5 (A) thru (D) and 18.

7. Several other properties in the area have additions. Exhs. 10 (A) thru (F).

8. The existing 6-foot fence setbacks from Shago Drive approximately 8.5 feet from the property line at the shortest distance. Exhs. 10 (A) thru (F) and 18.

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 property being a corner lot, the need for additional living space for the family 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 variances of 10 feet front yard depth, 13 feet side street yard depth and a waiver of the fence height and location requirements for a fence over 4 feet in height in the side yard (abutting Shago Drive) in order to obtain a building permit for the construction of a one-story addition with steps on the property located at 7600 Cardinal Lane, Fort Washington, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18 and approved elevation plans, Exhibits 3 (a) thru (b).

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.