



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-20-24 Jason and Valerie Crockett

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: May 8, 2024.

CERTIFICATE OF SERVICE

This is to certify that on July 8, 2024, 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", is placed over a horizontal line.

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

Petitioners: Jason and Valerie Crockett

Appeal No.: V-20-24

Subject Property: Lot 1, Block B, Lynnalan Acres Subdivision, being 8911 Palmer Street, Fort Washington, Prince George's County, Maryland

Heard: April 24, 2024; Decided: May 8, 2024

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

Wm. Carl Isler, Vice Chair

Teia Hill, 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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve variances from Section 27-4202(d)(1), which prescribes that each lot should have a lot frontage (width) at front street line a minimum of 60 feet and no more than 30% of the net lot area shall be covered by buildings and off-street parking. Section 27-4202(d)(4) prescribes that each lot shall have a rear yard at least 20 feet in depth. The Petitioners propose to obtain a building permit for the construction of a proposed screened room over the existing deck. Variances of 7 feet lot width at the front street line, 5% net lot coverage, and 4 feet rear yard depth are requested.

Evidence Presented

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

1. The property was subdivided in 1973, contains 10,125 square feet, is zoned RSF-95 (Residential, Single-Family - 95), and is improved with a single-family dwelling, driveway, attached two-car garage, deck, fence, and shed. Exhibits (Exhs.) 2, 4, 7, 8, and 9 (A) thru (D).

2. The subject property is a unique, odd-shaped corner lot, with the southern portion of Palmer Street being the legal front yard. The legal side yard is abutting Lot 2. The side street abutting the northern portion of Palmer Street is considered a side street yard, and the legal rear yard abutting Lot 23. Exhs. 2 and 4.

3. The Petitioners propose to obtain a building permit for the construction of a proposed screened room over the existing deck. Variances of 7 feet lot width at the front street line, 5% net lot coverage, and 4 feet rear yard depth are requested. Exhs. 2, 4, 7, 8, and 9 (A) thru (D)

4. Prior variance V-104-16 was approved on September 28, 2016, granting a waiver of the fence location and height requirement for a fence over 4 feet in height in the front yard of a corner lot for install a 6-foot vinyl privacy fence. Exh. 19.

5. Prior variance V-41-16 was approved on May 25, 2016, granting 5 feet side street yard depth, 19 feet rear yard depth/width, and 2.6% net lot coverage in order to construct a 20' x 35' attached garage. Exh. 21.

6. Petitioner Valerie Crockett testified that in 2004, they built an addition to accommodate her mother and grandmother's residency. Her grandmother has since passed, although her mother still resides there. The deck needed to accept a ramp for her grandmother's access. In 2016, they also built a garage to access the vehicles. Now, they are requesting to enclose the deck with a screen so the family can enjoy the

outside. They do not have any trees, and it is impossible for her family to sit outside in the extreme heat. They would like to just make it bearable to be able for their family to enjoy the deck. The deck will not be increased in footprint or size; it will only enclose the existing deck with a screen. Exhs. 2, 3 (A) thru (F), and 5 (A) thru (G).

7. Mr. Isler questioned the need for the lot width. Administrator Stone noted that she questioned whether this lot may or may not be a "legal" corner lot. If the lot is not a corner lot, the need for the 7-foot lot width requirement is not necessary. That would leave the 5% lot coverage and the 4 feet rear yard depth. Ms. Stone also noted that, with that point being made, she needs to clarify whether this is a true corner lot or not; further research will be necessary.

A motion was made by Madam Chair to Continue the Case for further research, and possibly correct the hearing notice. A second was by Vice Chair Isler. Motion carries 3/0 (Mack, Isler, and Hill)

The record was heard on May 8, 2024, as a Discussion/Decision item. A re-advertisement and a new hearing were not required.

1. Administrator Stone reported that after research, it was determined that the subject lot is, in fact, a legal corner lot per the definition of a corner lot. Therefore, the southern portion of Palmer Street is the legal front yard. The legal side yard is abutting Lot 2. The side street abutting the northern portion of Palmer Street is considered a side street yard, and the legal rear yard abutting Lot 23.

2. Administrator Stone clarified the variances that are, in fact, needed. Due to the approval of V-41-16, the variance for the side yard setback was granted. Therefore, a rear yard setback is not needed. The 7-foot lot width and 5% lot coverage are the only variances that are required.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Findings of the Board

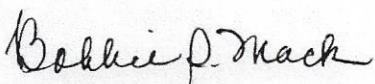
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the irregular shape of the corner lot, the need to provide shade from direct sunlight, the need to enjoy their homes' amenities, which were approved by prior variances, 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 for the property owners. Furthermore, the Board determined that the particular uniqueness found on the Petitioner's property would cause a zoning provision to impact disproportionately upon the property, such that the strict application of the provision would result in peculiar and unusual practical difficulties to the owner of the property. Additionally, the Board determined that this variance is the minimum reasonably necessary to overcome the exceptional physical conditions found on the Petitioner's property. Lastly, there is no evidence in the record that this variance would substantially impair the use and enjoyment of adjacent properties, and the practical difficulty was not self-inflicted by the owner of the property as the construction on the screened-in room has not commenced.

BE IT THEREFORE RESOLVED, unanimously, that variances of 7-foot lot width and 5% lot coverage in order to obtain a building permit for the construction of a proposed screened room over the existing deck on the property located at 8911 Palmer Street, Fort Washington, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and elevation plans, Exhibits 3 (A) thru (F).

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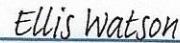
By:



Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By:



Ellis Watson (Jul 8, 2024 13:45 EDT)
Ellis Watson, Esq.

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 27-3613 (c)(10)(b) 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.