

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-1-20 Richard and Martina Macia

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: March 4, 2020 .

CERTIFICATE OF SERVICE

This is to certify that on August 26, 2020, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner(s)
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: Richard and Martina Macia

Appeal No.: V-1-20

Subject Property: Map 0151, Grid 00D3, East Accokeek Subdivision, being 425 South Street, Accokeek,
Prince George's County, Maryland

Heard and Decided: March 4, 2020

Board Members Present and Voting: 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(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side or rear lot line, shall not exceed 15 feet in height and generally be located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces the side street. Petitioners proposes to obtain a building permit to construct a pole barn. A variance of 21 feet front street line setback and a 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 1950, contains 148,540 square feet, is zoned R-E (Residential-Estate) and is improved with a single-family dwelling and a pole barn. Exhibits (Exhs.) 3, 5, 10, 11 and 12 (a) thru (f). The lot is odd shaped (triangular).
2. Petitioners would like to construct a pole barn in the front yard of the property. Because the barn will be located in the front yard, a variance of 21 feet front street line setback and a waiver of the rear yard location for an accessory building are requested. Exhs. 2, 3(a) thru (b), 4 (a) thru (f), and 6 (A) thru (J).
3. Petitioner Richard Macia explained that because of the existing location of the house and the overall characteristics of the property, it is impossible to erect the pole barn behind the house. Specifically, the house is located to the extreme rear left side of the lot. He further explained that there is a very large, deep ravine that cuts the property in half. In addition, there is a septic system and geothermal field behind and beside the dwelling, respectively. Exhs. 2, 3(a) thru (b), 4 (a) thru (f), and 6 (A) thru (J).
4. Mr. Macia's original intention was to construct a two-story pole barn (35' x 25') that exceeded the height for an accessory building. Mr. Macia decided therefore to decrease the height of the pole barn to the allowable 15 feet in height and increase the square footage to 30' x 40'. Revised site plans and elevation plans have been submitted. Exhs. 19 (a) thru (b) and Exhs. 20 (a) thru (d).

5. Mr. Macia opined that the only suitable place the barn can be located without any issues is towards the front of the property. He stated the area where the proposed barn will be located is wooded which will camouflage the barn.

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 topography of the property (a large ravine, thermo geo area and septic located in the rear yard), the extreme rear corner location on the lot of the dwelling, the front yard being the only viable area to locate the barn 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, by majority vote, Ms. Bobbie Mack absent, that a variance of 21 feet front street line setback and a waiver of the rear yard location requirement for an accessory building in order to obtain a building permit to construct a pole barn on the property located at 425 South Street, Accokeek, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved revised site plan, Exhs. 19 (a) thru (b) and approved revised elevation plans, Exhs. 20 (a) thru (d).

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 27-233(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.