



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

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

BOARD OF ADMINISTRATIVE APPEALS

## *NOTICE OF FINAL DECISION*

## *OF BOARD OF APPEALS*

RE: Case No. V-34-20 Daniel Dillinger

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 18, 2020

## **CERTIFICATE OF SERVICE**

This is to certify that on March 19, 2021, 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 standard font, followed by the title "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***

Petitioner: Daniel Dillinger

Appeal No.: V-34-20

Subject Property: Lot 2, Map: 0135, Grid: 00E, Townshend Subdivision, being 12404 Robert Crain Hwy,  
Brandywine, Prince George's County, Maryland

Heard and Decided: November 18, 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 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, Petitioner requests 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. Petitioner proposes to obtain a building permit to construct an enclosed carport and driveway extension. A waiver of the rear yard location requirement for an accessory building (carport) is requested.

**Evidence Presented**

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

1. The property was subdivided in 1985, contains 55,856 square feet, is zoned R-E (Residential Estate) and is improved with a single-family dwelling, fence, shed and rough gravel driveway. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (G).
2. The property is oddly shaped in a trapezoidal configuration. Exhs. 2 and 4.
3. Petitioner would like to construct an enclosed carport and driveway extension. Because the carport, which is an accessory building, is located on the side, and not in the rear, of the dwelling, a waiver of the rear yard location requirement is requested. Exhs. 2, 3(a) thru (c) and 5 (A) thru (C).
4. Petitioner Daniel Dillinger testified that because there is a well in the rear yard, a septic field in front of the dwelling, and many existing mature trees on the odd-shaped lot, the only suitable location for the carport is in the side yard of the dwelling. The enclosed carport will be used for vehicles and storage. He noted that the only construction would be the 24' x 35' detached carport as well as a driveway extension connecting to the existing driveway. Exhs. 2, 3(a) thru (c) and 5 (A) thru (C).
5. An existing 7' X 7' shed located on the western portion of the property will be removed, as noted in the site plan. Exh. 2.

**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

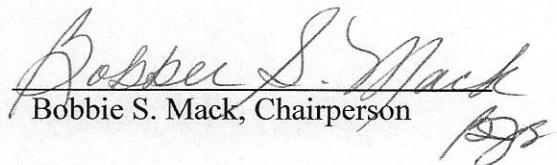
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the trapezoidal shape of the property, the locations of the well and septic in the rear and front yards, respectively, the existence of mature trees on the property, all limiting a suitable location for the carport, the need for storage and car protection, 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 A waiver of the rear yard location requirement for an accessory building (carport) in order to obtain a building permit to construct a proposed enclosed carport and driveway extension on the property located at 12404 Robert Crain Hwy, Brandywine, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (c).

#### BOARD OF ZONING APPEALS

By:



Bobbie S. Mack, Chairperson  
BJS

#### 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:

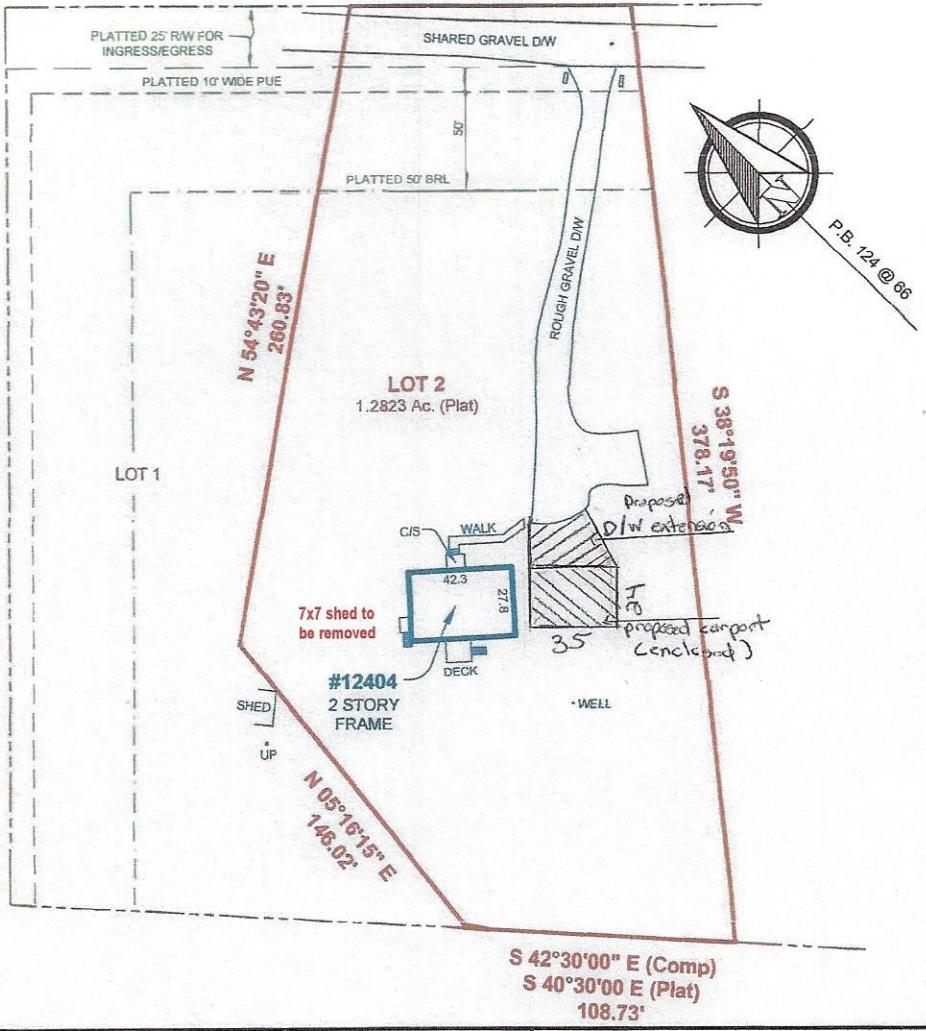
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

BOARD OF APPEALS

APPROVED NOV 18 2020

*B. Stone*  
ADMINISTRATOR

US RTE 301 CRAIN HIGHWAY

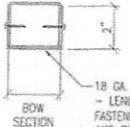
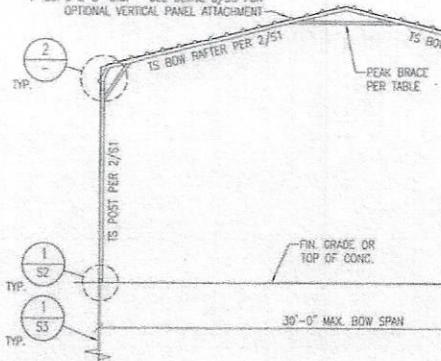
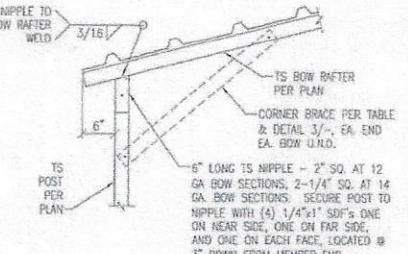
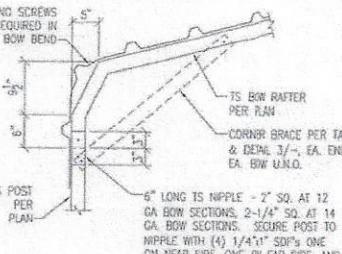
<p>THIS DOCUMENT IS CERTIFIED TO:</p> 		
<p>CASE #: REO-19MD2835</p>		<p>Kay Kingsbury 10425 Southern Maryland Blvd Dunkirk, MD 20754 301-873-2187</p>
<p>TO: ROBERT CRAIN HIGHWAY S 45°45'00" E 114.00'</p>		
		
<p>LOCATION DRAWING OF: <b>#12404 ROBERT CRAIN HIGHWAY</b> <b>LOT 2</b> <b>TOWNSHEND SUBDIVISION</b> PLAT BOOK 124, PLAT 66 LIBER 40568 FOLIO 568 PRINCE GEORGE'S COUNTY, MARYLAND SCALE: 1"=60' DATE: 04-03-2019 DRAWN BY: CP FILE #: 192236-691</p>		
<p>LEGEND:          -+ - BASEMENT ENTRANCE          BW - BAY WINDOW          BR - BRICK          BRL - BLDG. RESTRICTION LINE          BSMT - BASEMENT          CIS - CONCRETE STOOP          CONC - CONCRETE          DW - DRIVEWAY          FR - FRAMING          FR - FRAMING          MAC - MACADAM          G - GATE          OH - OVERHANG          PUE - PUBLIC UTILITY ESMT.          PIE - PUBLIC IMPROVEMENT ESMT.          (RED) - RECORD INFORMATION          (BLUE) - IMPROVEMENTS          (GREEN) - ESMTS &amp; RESTRICTION LINES       </p> <p>COLOR KEY:          (RED) - RECORD INFORMATION          (BLUE) - IMPROVEMENTS          (GREEN) - ESMTS &amp; RESTRICTION LINES       </p> <p>SURVEYOR'S CERTIFICATE</p> <p>I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12 CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION IS THE RESPONSIBILITY OF THE SURVEYOR'S COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING, OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1:2. NO TITLE REPORT COMPANY, SAID PROPERTY SUBJECT TO ALL NOTE, RESTRICTIONS, RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEYOR'S OPINION. TO BE A STATE OF DISPAIR OR MAY BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDAR</p> <p>EXH. # 2 V-34-20</p> <p>DULEY &amp; ASSOC. WILL GIVE YOU A 100% FULL CREDIT TOWARDS UPGRADING THIS SURVEY TO A "BOUNDARY/STAKE" SURVEY FOR ONE YEAR FROM THE DATE OF THIS SURVEY. (EXCLUDING D.C. &amp; BALT. CITY)</p>		



# BOARD OF APPEALS

APPROVED NOV 18 2020

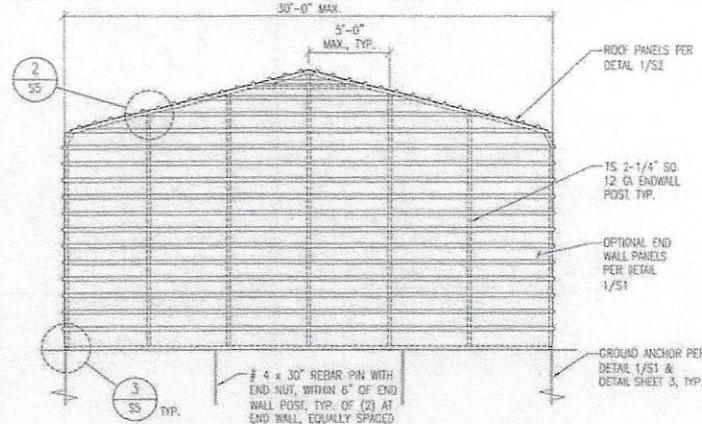
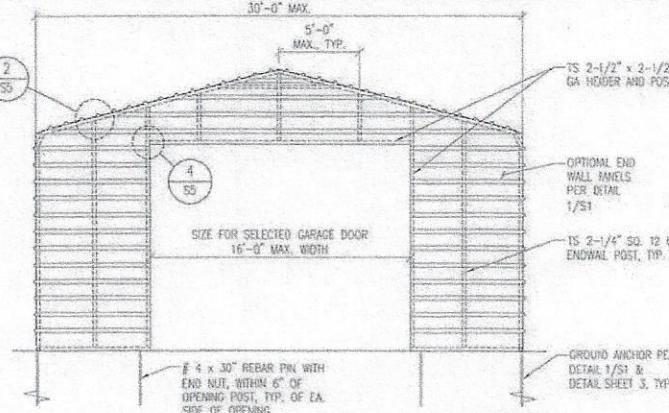
*By Stone*  
ADMINISTRATOR

 <p>18 GA U-CHANNEL BRACE - LENGTH PER TABLE FASTENED TO POST/LEG AND BOW POSITIONED AT 45° w/ (2) 1/4" x 1" SELF DRILLING SCREWS (SDF's) AT EACH END, (4) PER BRACE</p> <p>BRACE CONNECTION DETAIL</p>	 <p>29 GA CORRUGATED GALVANIZED METAL ROOF PANELS FASTENED TO BOW FRAME WITH 1/4" x 1" SDF's @ 8" O.C. - SEE DETAIL 5/55 FOR OPTIONAL VERTICAL PANEL ATTACHMENT</p> <p>15 BOX RAFTER PER 2/51 15 POST PER 2/51 5'-0" TO 12'-0" POST HEIGHT</p> <p>TYPICAL BOW SECTION</p>	<table border="1"> <thead> <tr> <th>PEAK BRACE TABLE</th> <th>BRACE</th> </tr> </thead> <tbody> <tr> <td>15' TO 24'</td> <td>2'-0" LONG TS 12 GA, 15"</td> </tr> <tr> <td>OVER 24' TO 36'</td> <td>6'-0" LONG 3-1/4" SQ. 12 GA, 15"</td> </tr> <tr> <td>OVER 36' TO 48'</td> <td>6'-0" LONG 2-1/4" SQ. 12 GA, 15"</td> </tr> <tr> <td>OVER 48' TO 57'</td> <td>10'-6" LONG 2-1/4" SQ. 12 GA, 15"</td> </tr> </tbody> </table> <p>* - PEAK BRACE TO HAVE (2) TS VERTS, EQUALLY SPACED ON HORIZONTAL - BRACE TO BE FLUSH VERTS</p>	PEAK BRACE TABLE	BRACE	15' TO 24'	2'-0" LONG TS 12 GA, 15"	OVER 24' TO 36'	6'-0" LONG 3-1/4" SQ. 12 GA, 15"	OVER 36' TO 48'	6'-0" LONG 2-1/4" SQ. 12 GA, 15"	OVER 48' TO 57'	10'-6" LONG 2-1/4" SQ. 12 GA, 15"				
PEAK BRACE TABLE	BRACE															
15' TO 24'	2'-0" LONG TS 12 GA, 15"															
OVER 24' TO 36'	6'-0" LONG 3-1/4" SQ. 12 GA, 15"															
OVER 36' TO 48'	6'-0" LONG 2-1/4" SQ. 12 GA, 15"															
OVER 48' TO 57'	10'-6" LONG 2-1/4" SQ. 12 GA, 15"															
<b>(b)</b>	 <p>NIPPLE TO BOW RAFTER WELD 3/16"</p> <p>TS BOW RAFTER PER PLAN</p> <p>CORNER BRACE PER TABLE &amp; DETAIL 3/4, EA. END EA. BOW U.N.O.</p> <p>TS POST PER PLAN</p> <p>6" LONG TS NIPPLE - 2" SQ. AT 12 GA BOW SECTIONS, 2-1/4" SQ. AT 14 GA BOW SECTIONS. SECURE POST TO NIPPLE WITH (4) 1/4" x 1" SDF's, ONE ON NEAR SIDE, ONE ON FAR SIDE, AND ONE ON EACH FACE, LOCATED @ 3" DOWN FROM MEMBER END.</p> <p>CORNER BRACE TABLE</p> <table border="1"> <thead> <tr> <th>12' TO 24' BOW SPAN</th> <th>26' TO 36' BOW SPAN</th> </tr> <tr> <th>POST HEIGHT</th> <th>BRACE LENGTH</th> <th>POST HEIGHT</th> <th>BRACE LENGTH</th> </tr> </thead> <tbody> <tr> <td>5'-0" TO 8'-6"</td> <td>2'-0"</td> <td>6'-0" TO 8'-6"</td> <td>2'-0"</td> </tr> <tr> <td>9'-0" TO 12'-0"</td> <td>3'-0"</td> <td>9'-0" TO 12'-0"</td> <td>3'-0"</td> </tr> </tbody> </table> <p>* - CORNER BRACE REQUIRED AT END BOWS ONLY</p>	12' TO 24' BOW SPAN	26' TO 36' BOW SPAN	POST HEIGHT	BRACE LENGTH	POST HEIGHT	BRACE LENGTH	5'-0" TO 8'-6"	2'-0"	6'-0" TO 8'-6"	2'-0"	9'-0" TO 12'-0"	3'-0"	9'-0" TO 12'-0"	3'-0"	 <p>NO SCREWS REQUIRED IN BOW BEND</p> <p>TS BOW RAFTER PER PLAN</p> <p>CORNER BRACE PER TABLE &amp; DETAIL 3/4, EA. END EA. BOW U.N.O.</p> <p>TS POST PER PLAN</p> <p>6" LONG TS NIPPLE - 2" SQ. AT 12 GA BOW SECTIONS, 2-1/4" SQ. AT 14 GA BOW SECTIONS. SECURE POST TO NIPPLE WITH (4) 1/4" x 1" SDF's, ONE ON NEAR SIDE, ONE ON FAR SIDE, AND ONE ON EACH FACE, LOCATED @ 3" DOWN FROM MEMBER END.</p> <p>BOW/POST DETAIL</p>
12' TO 24' BOW SPAN	26' TO 36' BOW SPAN															
POST HEIGHT	BRACE LENGTH	POST HEIGHT	BRACE LENGTH													
5'-0" TO 8'-6"	2'-0"	6'-0" TO 8'-6"	2'-0"													
9'-0" TO 12'-0"	3'-0"	9'-0" TO 12'-0"	3'-0"													

# BOARD OF APPEALS

APPROVED NOV 18 2020

*B. Stover*  
ADMINISTRATOR

<p><b>NOTE:</b> EXTERIOR WINDOWS AND GLASS DOORS SHALL BE TESTED BY AN APPROVED INDEPENDENT TESTING LABORATORY, AND BEAR AN AAMA OR WDMA OR OTHER APPROVED LABEL IDENTIFYING THE MANUFACTURER, PERFORMANCE CHARACTERISTICS AND APPROVED PRODUCT EVALUATION ENTRY TO INDICATE COMPLIANCE WITH THE REQUIREMENTS OF THE FOLLOWING SPECIFICATION:</p> <p>ANSI/AAMA/WDMA 101/152 2/97 THE CONSTRUCTION SHALL BE TESTED IN ACCORDANCE WITH ASTM E 330, STANDARD TEST METHODS FOR STRUCTURAL PERFORMANCE OF EXTERIOR WINDOWS, CURTAIN WALLS, AND DOORS BY UNIFORM STATIC PRESSURE.</p> <table border="1"> <thead> <tr> <th colspan="2">DOOR TABLE</th> </tr> <tr> <th>CARPORT WIDTH</th> <th>MAX. DOOR WIDTH</th> </tr> </thead> <tbody> <tr> <td>12'-0" TO 18'-0"</td> <td>10'-0"</td> </tr> <tr> <td>20'-0"</td> <td>12'-0" OR (2) 8'-0"</td> </tr> <tr> <td>22'-0"</td> <td>12'-0" OR (2) 9'-0"</td> </tr> <tr> <td>24'-0" TO 28'-0"</td> <td>16'-0" OR (2) 10'-0"</td> </tr> <tr> <td>30'-0"</td> <td>16'-0" OR (2) 12'-0"</td> </tr> </tbody> </table>		DOOR TABLE		CARPORT WIDTH	MAX. DOOR WIDTH	12'-0" TO 18'-0"	10'-0"	20'-0"	12'-0" OR (2) 8'-0"	22'-0"	12'-0" OR (2) 9'-0"	24'-0" TO 28'-0"	16'-0" OR (2) 10'-0"	30'-0"	16'-0" OR (2) 12'-0"	 <p>REAR WALL ELEVATION</p> <p>30'-0" MAX. 5'-0" MAX., TYP.</p> <p>TS 2-1/4" SQ. 12 GA ENDWALL POST, TYP.</p> <p>OPTIONAL END WALL PANELS PER DETAIL 1/S1</p> <p>GROUND ANCHOR PER DETAIL 1/S1 &amp; DETAIL SHEET 3, TYP.</p> <p># 4 x 30" REBAR PIN WITH END NUT, WITHIN 6' OF END WALL POST, TYP. OF (2) AT END WALL, EQUALLY SPACED</p> <p>2 SS 3 SS TYP.</p> <p>1</p>	
DOOR TABLE																	
CARPORT WIDTH	MAX. DOOR WIDTH																
12'-0" TO 18'-0"	10'-0"																
20'-0"	12'-0" OR (2) 8'-0"																
22'-0"	12'-0" OR (2) 9'-0"																
24'-0" TO 28'-0"	16'-0" OR (2) 10'-0"																
30'-0"	16'-0" OR (2) 12'-0"																
<p>PRINCE GEORGE'S COUNTY DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT</p> <p>PLAN SCREENING <i>Apr 11/11/19</i></p> <p>(c)</p>		 <p>FRONT WALL ELEVATION</p> <p>30'-0" MAX. 5'-0" MAX., TYP.</p> <p>TS 2-1/2" x 2-1/2" x 12 GA HEADER AND POST</p> <p>OPTIONAL END WALL PANELS PER DETAIL 1/S1</p> <p>TS 2-1/4" SQ. 12 GA ENDWALL POST, TYP.</p> <p>GROUND ANCHOR PER DETAIL 1/S1 &amp; DETAIL SHEET 3, TYP.</p> <p># 4 x 30" REBAR PIN WITH END NUT, WITHIN 6' OF OPENING POST, TYP. OF EA. SIDE OF OPENING</p> <p>2 SS 4 SS TYP.</p> <p>1</p>															
		<p>END WALL ELEVATIONS</p> <p>STANDARD CARPORT WITH OPTIONS</p> <p>STANDARD SNOW &amp; WIND RATING</p> <p>U1319-001-111</p> <p>2</p> <p><b>REV. 0</b></p> <p><b>S4</b></p>															