

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-15-16 Dionna Knox

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: April 13, 2016.

CERTIFICATE OF SERVICE

This is to certify that on April 20, 2016, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed) _____
Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division

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

Petitioner: Dionna Knox

Appeal No.: V-15-16

Subject Property: Lot 25, Block E, Fox Run Estates Subdivision, being 7601 Red Fox Court, Clinton,
Prince George's County, Maryland

Witness: Jonathan Knox, brother of Petitioner

Heard and Decided: April 13, 2016

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) of the Zoning Ordinance, which prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard. Petitioner proposes to validate and obtain a building permit for a shed in the side yard. A variance of 10 feet front street line setback and a waiver of the rear yard location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1977, contains 13,805 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1987. Exh. 8.
2. The property is located within the Military Installation Overlay Zone. Exh. 1.
3. The property is an odd-shaped lot located on a cul-de-sac and widens from front to rear. Exhs. 2 and 4.
4. Petitioner would like to obtain a building permit for a 10' x 16' shed (Exh. 5) that is already built, but variances are needed to validate its location before a permit may be obtained. Since the shed is located 50 feet from the front street line and is partially located in the side yard, a variance of 10 feet front street line setback and a waiver of the rear yard location requirement were requested. Exh. 12.
5. Petitioner testified that her brother, who lives at the subject property, is unable to work because of health issues and that the shed serves as a workshop for him to work on "little odd jobs." Exh. 5. She stated that because the shed is 160 square feet, a (building) permit is needed.
6. She explained that the location of the shed was the most suitable place for it on the property. Exhs. 18(A) thru (E). She further explained that a couple of trees, roots of removed trees and a flower bed are located on the right side of the property. Exhs. 10(B) thru (E). She stated that the other shed in the right rear corner of the property stores lawn equipment.

7. She further testified that she has spoken to the neighbor who lives on the property next to the shed about the shed. She stated that that neighbor has a shed on the other side of the fence from her shed. Exh. 10(B). She stated that she has not received any complaints about the shed from any neighbors.

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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the unusual shape of the property, the property being located on a cul-de-sac, the property widening from front to rear, the new shed requiring a permit because of its size, a portion of the shed being located in the side yard, a flower bed and trees being located on the right side of the property possibly precluding construction in that area, the most suitable location for the shed being on the left side, 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 variance of 10 feet front street line setback and a waiver of the rear yard location requirement in order to validate and obtain a building permit for a 10' x 16' shed on the property located at Lot 25, Block E, Fox Run Estates Subdivision, being 7601 Red Fox Court, Clinton, 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 the 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.