

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-38-16 Eric and Felicia Toney

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: June 8, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on June 21, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Ramblewood Homeowners Association

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

Petitioners: Eric and Felicia Toney

Appeal No.: V-38-16

Subject Property: Lot 66, Block C, Ramblewood Subdivision, being 12605 Hilda Court, Upper Marlboro,
Prince George's County, Maryland

Heard: May 25, 2016; Decided: June 8, 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 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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth, and Section 27-442(i)(Table VIII), which prescribes that accessory buildings on a corner lot shall be set back 10 feet from the rear lot line. Petitioners propose to validate an existing condition and construct a covered front porch and attached garage, enclose an existing deck into a sunroom and extend an existing driveway. Variances of 20 feet side street yard depth and 8 feet rear lot line setback 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 1977, contains 12,817 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 6 and 7. The existing dwelling was built in 1987. Exh. 7.
2. The property is located within an approved cluster subdivision. Exh. 4.
3. The property is an odd-shaped corner lot with the house facing the legal front street (Hilda Court). Exh. 2.
4. Petitioners would like to construct a 14' x 22'/19'9" x 25' attached garage, a driveway extension (848 square feet), 8' x 20' covered front porch and enclose an 8' x 21' deck into a sunroom, but variances are needed to obtain a building permit. Since the garage would be located 5 feet from the side street line (Blaz Court), a variance of 20 feet side street yard depth was requested. Exh. 9.
5. In addition, a variance is needed to validate the location of an existing shed. Since the property is a corner lot and the shed is located 2 feet from the rear lot line, a variance of 8 feet rear lot line setback was also requested. Exh. 9.
6. Petitioner Eric Toney testified that the proposed garage would be constructed on the left side of the house because there is insufficient room on the right side to build it. He explained that the garage would

be located close to Blaz Court on the left side, but the existing driveway is off of Hilda Court and would be extended across the front yard to the garage. Exh. 2. He stated that the siding on the garage will match the house and the garage will appear as if it was built with the original house. Photographs of other neighborhood properties with garages were submitted. Exhs. 19(A) and (B); 20(A), (D) and (E).

7. Mr. Toney stated that a covered front porch was desired to be able to enjoy the outdoors.

8. An existing deck on the rear of the house will be removed. Exh. 2.

9. Ramblewood Homeowners Association approved the request. Exh. 17.

10. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and commented as follows: The record plat reflects a 10-foot-wide electric, telephone and gas easement on the subject property along Hilda Court and Blaz Court which should be reflected on the site plan.¹ The property is subject to Preliminary Plan of Subdivision 4-75929 for a cluster development. The proposed development does not alter the land uses described in the Preliminary Plan of Subdivision and, therefore, conforms to the applicable record plat note. Section 27-229(b)(27) grants the Board of Appeals the authority to grant variances for home improvements in cluster developments. It was determined that the underlying Detailed Site Plan DSP-87046 will have no impact on review of the request. Exh. 14.

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 property being a corner lot, the unusual shape of the property, the proposed sunroom being constructed over the existing deck, the existing driveway access being off of Hilda Court, the amount of additional driveway area needed to access the proposed garage from Hilda Court, a small deck on the rear of the house being removed, 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, unanimously, that variances of 20 feet side street setback and 8 feet rear lot line setback for an accessory building in order to validate an existing condition and construct an 8' x 20' covered front porch, driveway extension (848 sq. ft.) and 14' x 22'/19'9" x 25' attached garage, and enclose an 8' x 21' existing deck into a sunroom on the property located at Lot 66, Block C, Ramblewood Subdivision, being 12605 Hilda Court, Upper Marlboro, Prince George's County, Maryland, be and are

¹ The site plan was revised to reflect this 10-foot easement. Exh. 18.

hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18, 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.