

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-39-16 King McDuffie, Jr.

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 25, 2016.

CERTIFICATE OF SERVICE

This is to certify that on June 13, 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

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

Petitioner: King McDuffie, Jr.

Appeal No.: V-39-16

Subject Property: Lots 1 thru 3, Block 46, Bradbury Heights Subdivision, being 4116 Urn Street, Capitol Heights, Prince George's County, Maryland

Heard and Decided: May 25, 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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking and Section 27-442(i)(Table VIII), which prescribes that on corner lots accessory buildings shall be set back 10 feet from the rear lot line. Petitioner proposes to validate an existing condition and construct a shed. Variances of an additional 16.5% net lot coverage and 4.65 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 1908, contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, two driveways and a shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1971. Exh. 8.

2. The property is a corner lot with the dwelling facing the legal front street, Urn Street. Exh. 2. One driveway accesses the property off of Urn Street and the other driveway access is off of the legal side street, Arcadia Avenue. Exh. 2.

3. In 2001 (Appeal No. V-83-01), the Board approved variances to validate existing conditions and construct an addition on the property. Exh. 6. Submission of an updated site plan revealed that the amount of the lot coverage variance (6%) approved in Appeal No. V-83-01 is not sufficient to validate the current conditions on the property. *Compare* Exh. 2 and Attachment to Exh. 6.

4. Petitioner would like to replace the existing 8.2' x 10.2' shed with a 12' x 18' shed (Exh. 2), but variances are needed to obtain a building permit for the proposed shed. Since the new shed will be located 5.35 feet from the rear lot line at the closest point, the allowed amount of net lot coverage (30%) is already exceeded and construction of the shed will cause a further overage, variances of an additional 16.5% net lot coverage and 4.65 rear lot line setback for an accessory building were requested. Exhs. 11 and 12.

5. Petitioner testified that the larger shed will replace the old shed which has rotted out. Exhs. 5(A), (B), (D), (F) and (G). He also explained that more storage space is needed for catering equipment and the pallets now on his deck. Exh. 5(A) and (B).

6. He stated that the driveway will be kept gravel and the new shed will sit behind his parked vehicles. *See* Exh. 5(B).

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, an existing shed needing to be replaced due to its rotting condition, the need for a larger shed for additional storage space, a variance for additional lot coverage being needed to validate existing conditions on the property, 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 variances of an additional 16.5% net lot coverage and 4.65 rear lot line setback for an accessory building in order to validate an existing condition and construct a 12' x 18' shed on the property located at Lots 1 thru 3, Block 46, Bradbury Heights Subdivision, being 4116 Um Street, Capitol Heights, 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.