

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-41-16 Valerie and Jason Crockett

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
Concerned Citizens Association of Lynnalán Acres

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

Petitioners: Valerie and Jason Crockett

Appeal No.: V-41-16

Subject Property: Lot 23, Block 2, Lynnalán Subdivision, being 8911 Palmer Street, Fort Washington,
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, Petitioners request that the Board approve variances 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 a rear yard at least 20 feet in depth/width, and 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. Petitioners propose to construct an attached garage. Variances of 5 feet side street yard depth, 19 feet rear yard depth/width and 2.6% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1973, contains 10,125 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 3, 5, 8 and 9. The existing dwelling was built in 1976. Exh. 8.

2. The property is located on a sharp curve in the street, making the property a corner lot. The dwelling faces the legal side street line. Exh. 3.

3. Petitioners would like to construct a 20' x 35' attached garage (Exh. 3), but variances are needed to obtain a building permit. Since the garage would be located 20 feet from the side street line, 1 foot from the rear lot line and construction of the garage will cause the allowed amount of net lot coverage (30%) to be exceeded, variances of 5 feet side street yard depth, 19 feet rear yard depth/width and 2.6% net lot coverage were requested. Exhs. 11 and 12.

4. Petitioners stated that since they moved to the property in 1992, they have completed several upgrades to the property, including a 20' x 44' addition to accommodate Mrs. Crockett's mother and grandmother, and although the grandmother has passed, the dwelling is used by Mr. Crockett, who is a dialysis patient, Mrs. Crockett's mother, who has a disability and Petitioners' two children. Petitioners would like the garage for reasons of security and coping with their health issues and they believe the proposed garage would be beneficial if it is large enough to accommodate a minimum of two cars. They note that the proposed garage would extend 8 feet in front of the house, putting the garage adjacent to the walkway leading to the front door. They explained that the yard next to the right side of their house is considered their

rear yard and the 20-foot setback requirement prevents them from building the garage there without a variance. Exh. 2.

5. Petitioners submitted supporting statements from six neighbors, including the neighbors on the adjoining property next to the proposed garage. Exh. 2. Petitioners also submitted photographs of neighbors' houses with garages. Exhs. 7(A) thru (C).

6. Valerie Crocket testified that they are proposing to build the garage over existing driveway area. She explained that the garage would be built farther back on the property except there is a handicapped ramp at the back of the driveway that leads to their deck. Exh. 3. She stated that the forward extension of the garage will not affect visibility for vehicular traffic nor block the view from their window.

7. Petitioner Jeremy Crockett testified that there is a wire fence on the abutting property next to where the garage would be built. He stated that that neighbor parks on driveway area next to their driveway. Exh. 10(G).

8. The Concerned Citizens Association of Lynnalán Acres supported the request. Exh. 18.

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 garage being built over existing driveway area, a handicapped ramp extending to the rear edge of the driveway, the need for protected accessible parking area because of health issues and for security reasons, 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 5 feet side street yard depth, 19 feet rear yard depth/width and 2.6% net lot coverage in order to construct a 20' x 35' attached garage on the property located at Lot 23, Block 2, Lynnalán Subdivision, being 8911 Palmer Street, Fort Washington, 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 3, and the approved elevation plans, Exhibits 4(a) thru (c).

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.