

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-47-16 Ronald and Cynthia Smith

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 July 6, 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

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

Petitioners: Ronald and Cynthia Smith

Appeal No.: V-47-16

Subject Property: Lots 9 and 10, Block 3, Hough's Park Subdivision, being 7112 Loch Court,
Fort Washington, Prince George's County, Maryland

Heard and 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 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 lot shall have a front yard at least 25 feet in depth, and Section 27-442(i)(Table VIII), 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, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots). Petitioners propose to validate existing conditions and construct a shed. Variances of 4 feet front yard depth for the dwelling; 17 feet front street line setback from Sunnyside Lane, 24 feet front street line setback from Loch Court and a waiver of the yard location requirement for one accessory building; and 56 feet front street line setback from Sunnyside Lane for a second accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1946, contains 20,000 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7(a) and (b), 8(a) and (b). The existing dwelling was built in 1950. Exh. 7(a).
2. The property is a shallow through lot with two legal front yards and no rear yard. The house faces Loch Court and the yard behind the house abuts Sunnyside Lane. Driveway access is off of Sunnyside Lane. Exh. 2.
3. Petitioners would like to construct a 14' x 24' shed, but variances are needed to obtain a building permit. Since the proposed shed will be setback only 43 feet from Sunnyside Lane, 36 feet from Loch Court and located in the side yard (Exh. 2), variances of 17 feet front street line setback from Sunnyside Lane, 24 feet front street line setback from Loch Court and a waiver of the yard location requirement for an accessory building were requested for the proposed shed. Exh. 10.
4. Validation of certain existing conditions on the property is necessary to obtain the building permit. Since the dwelling is located only 21 feet from Sunnyside Lane (Exh. 2), a variance of 4 feet front yard

depth was requested for the dwelling. Exh. 10. In addition, since an existing shed is located only 4 feet from Sunnyside Lane (Exh. 2), a variance of 56 feet front street line setback from Sunnyside Lane for an accessory building was also requested to validate the location of the existing shed. Exh. 10.

5. Petitioner Cynthia Smith testified that the property was purchased in 2005 and more storage is now needed. She would like to replace the existing small shed with a larger shed, but variances are needed because as a through lot the property has no rear yard. She explained that their house faces Sunnyside Lane where the County street ends at the end of their driveway. *See* Exhs. 5(D), 9(B) and (C).

6. Petitioner Ronald Smith testified that there is vacant land on one side and a vacant house on the other side of the subject property. Exhs. 9(A) thru (E). He further stated that pylons in front of the house indicate the end of the County street and beginning of parkland. Exhs. 5(D), 9(B) and (C). He explained that the new shed will be just inside their fence at the end of their driveway. Exhs. 2 and 9(G). He further explained that their property includes a second lot (Lot 10) that adjoins the lot on which their house is located (Lot 9), but they do not want to build additional structures on that lot because of water problems associated with the low grade.

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 through lot (with no rear yard), the shallowness of the property, the need for additional storage space, the need to locate the proposed shed on Lot 9, adjoining Lot 10 being unsuitable for locating the proposed shed because of water/drainage issues, the locations of the existing dwelling and a shed needing to be validated before a building permit may be obtained for the proposed shed, 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 4 feet front yard depth for the dwelling; 17 feet front street line setback from Sunnyside Lane, 24 feet front street line setback from Loch Court and a waiver of the yard location requirement for one accessory building; and 56 feet front street line setback from Sunnyside Lane for a second accessory building in order to validate existing conditions and construct a 14' x 24' shed on the property located at Lots 9 & 10, Block 3, Hough's Park Subdivision, also being 7112 Loch Court, 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 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.