

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-53-16 Furman Legette

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: July 13, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on July 25, 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: Furman Legette

Appeal No.: V-53-16

Subject Property: Lot 19, Block B-B, Willow Hills Subdivision, being 520 Pacer Drive, Hyattsville,
Prince George's County, Maryland

Heard: June 22, 2016; Decided: July 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 an existing condition and construct a detached carport. Variances of 35 feet front street line setback and a waiver of the rear yard location requirement for the detached carport and 6 feet front street line setback and a waiver of the rear yard location requirement for an existing shed are requested.

Evidence Presented

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

1. The property was subdivided in 1977, contains 6,823 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 and 8. The existing dwelling was built in 1982. Exh. 7.
2. The property is located within a cluster subdivision. Exh. 4.
3. Petitioner would like to construct a 12' x 21' detached carport (Exh. 2), but variances are required in order to obtain a building permit. Since the carport would be located next to the dwelling in the side yard 25 feet from the front street line, a variance of 35 feet front street line setback and a waiver of the rear yard location requirement for the carport were requested. Exh. 10.
4. Variances are also needed to validate an existing shed on the property. Since the shed is located in the side yard 54 feet from the front street line, a variance of 6 feet front street line setback and a waiver of the rear yard location requirement for the shed were also requested. Exh. 10.
5. Petitioner testified that he would like to protect his car from the damaging effects of the sun and bird droppings. He explained that the most suitable location for the carport would be over the existing driveway and it will be open on all sides.
6. He stated that the driveway (area) slopes down to the street and water runoff runs toward the street to a drain. Exhs. 5(A) and (B).
7. He further testified that all development on the subject property existed prior to purchase in January 2011.

8. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and commented: Exhibit 2 correctly reflects the bearings, distances and lot size shown on the record plat of subdivision for Willow Hills Cluster Subdivision recorded in Plat Book NLP 98-22. 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. Zoning Ordinance Section 27-229(b)(27) grant the Board the authority to grant variances for home improvements in cluster developments. 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 location of an existing shed and driveway on the property, the need for covered off-street parking, the proposed carport to be located over existing driveway area, 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 35 feet front street line setback and a waiver of the rear yard location requirement for the detached carport and 6 feet front street line setback and a waiver of the rear yard location requirement for an existing shed in order to validate an existing condition and construct a detached carport on the property located at Lot 19, Block B-B, Willow Hills Subdivision, being 520 Pacer Drive, Hyattsville, 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.