

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-76-16 Charlie Fennell

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: September 7, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on September 23, 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: Charlie Fennell

Appeal No.: V-76-16

Subject Property: Part of Lot 2, Block A, Bock Manor Subdivision, being 8118 Bock Road, Fort
Washington, Prince George's County, Maryland

Heard and Decided: September 7, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a rear yard at least 20 feet in depth/width; Section 27-442(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side lot line and generally be located only in the rear yard. Petitioner proposes to validate existing conditions and construct a covered front porch. Variances of 5.5 feet rear yard depth/width, 10.6% net lot coverage, and a variance .15 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

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

1. The property contains 13,314 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and one-car detached garage. Exhibits ("Exhs.") 2, 4, 9 and 10. The existing dwelling was built in 1943. Exh. 9.
2. The lot from which the subject property was created was recorded in 1960 and the property has existed in its current configuration since 1967. Exhs. 4 and 6.
3. The property is more than 190 feet deep and narrows to a width of 55.85 feet at the rear. The existing dwelling is set back more than 120 feet from the street and the rear yard is shallow. Exh. 2.
4. Petitioner would like to construct a 12' x 25.35' covered front porch on the dwelling, but variances are needed to obtain a building permit. Since the allowed amount of net lot coverage (25%) is already exceeded by existing development on the property and construction of the porch would cause further overage, a variance of 10.6% net lot coverage was requested. Exh. 14.
5. Variances are also needed to validate other existing conditions on the property. Since an existing deck on the rear of the dwelling is located 14.5 feet from the rear lot line and the existing detached garage is located in the side yard 1.85 feet from the side lot line, a variance of 5.5 feet rear yard depth/width for the deck and a variance of .15 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building were also requested. Exh. 14.

6. Petitioner testified that he has lived at the property for 31 years. He stated that he would like the front porch to be the same width as the house and that the porch will be a place for outdoor enjoyment. He explained that the house and proposed porch will have a continuous roofline, the porch will be open and that the area under the porch will be covered with lattice. *See* Exhs. 20(a) and (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 narrowness of the property, the existing dwelling being built many years ago (1943), the dwelling being set back so far on the lot, the shallowness of the rear yard, 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, by majority vote, Vice Chairman Scott absent, that variances of 5.5 feet rear yard depth/width, 10.6% net lot coverage, and a variance of .15 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building in order to validate existing conditions and construct a 12' x 25.35' covered front porch on the property located at Part of Lot 2, Block A, Bock Manor Subdivision, being 8118 Bock Road, 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 revised elevation plans, Exhibits 20(a) and (b).

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.