

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-112-16 Terrence and Jennifer Grainger

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: October 5, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on October 31, 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: Terrence and Jennifer Grainger

Appeal No.: V-112-16

Subject Property: Lot 2, Block B, Sargent Knolls Subdivision, being 1302 Legation Road, Hyattsville,
Prince George's County, Maryland

Heard and Decided: October 5, 2016

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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(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 accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side lot line and generally be located only in the rear yard. Petitioners propose to validate existing conditions and construct a detached carport. Variances of 10.8% net lot coverage and 1 foot side lot line setback for one accessory building and a variance of 19 feet front street line setback and a waiver of the rear yard location requirement 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 5,049 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1952. Exh. 7.
2. Petitioners would like to construct a 15' x 25'5" x 7.5' detached carport over existing driveway area (Exh. 2), but variances are needed to obtain a building permit. Since the detached carport would be 41 feet from the front street line and located in the side yard, variances of 19 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exh. 12.
3. In addition, certain existing conditions on the property must be validated to obtain the permit. Since an existing detached garage is located 1 foot from the side lot line, a variance of 1 foot side lot line setback for a second accessory building was also requested. Exh. 12.
4. Since the allowed amount of net lot coverage (30%) is already exceeded by existing development on the property, a variance of 10.8% net lot coverage was also requested. Exhs. 11 and 12.
5. Petitioner Terrence Grainger testified the proposed carport will be open on all sides and the carport roof will extend over some steps on one side. Exh. 3(a) thru (d). He stated that the existing garage is in poor condition and the carport will provide some protection from the weather.
6. Petitioner Jennifer Grainger testified that Petitioners have lived at the property for 16 years.

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 existing conditions on the property, the proposed carport being open on all sides and built over existing driveway area, the desire for driveway area protected from the weather, 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, by majority vote, Vice Chairman Scott absent, that variances of 10.8% net lot coverage and 1 foot side lot line setback for one accessory building and a variance of 19 feet front street line setback and a waiver of the rear yard location requirement for a second accessory building in order to validate existing conditions and construct a 15' x 25'5" x 7.5' detached carport on the property located at Lot 2, Block B, Sargent Knolls Subdivision, being 1302 Legation Road, 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 plans, Exhibits 3(a) thru (d).

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.