

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-109-16 Lisa Williford

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 26, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on November 7, 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
Town of Edmonston

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

Petitioner: Lisa Williford

Appeal No.: V-109-16

Subject Property: Lot 18, Block F, East Hyattsville Subdivision, being 5109 Emerson Street, Hyattsville,
Prince George's County, Maryland

Municipality: Town of Edmonston

Witness: Julian Ford

Shirley Chapin, neighbor

Heard: October 5, 2016; Decided: October 26, 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 obtain a building permit for a new detached carport in the front yard. Variances of 6.1% net lot coverage and 58 feet front street line setback, 1 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 was subdivided in 1903, contains 8,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, detached garage and detached carport.
2. Petitioner was cited with a violation notice, dated August 18, 2016, from the Town of Edmonston, requiring Petitioner to obtain a building permit immediately. Exh. 6.
3. Petitioner would like to obtain a building permit for an 11' x 32' detached carport, but variances are needed. Since the carport is located in the front yard only 2 feet from the front street line and 1 foot from the side lot line, variances of 58 feet front street line setback, 1 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exh. 14.
4. In addition, since the allowed amount of net lot coverage (30%) is exceeded by existing development on the property, a variance of 6.1% net lot coverage was also requested. Exhs. 13 and 14.
5. Petitioner testified that she has lived at the property for 5 years. She stated that the carport is to protect vehicles parked in the driveway from damage caused by the sun and bird droppings.
6. Petitioner stated that as a first-time homebuyer she was unaware that she needed to obtain a permit from the County.

7. Julian Ford stated that the garage in the rear is old and dilapidated. He explained that it was less expensive to erect the carport than fix up the garage.

8. Shirley Chapin, owner of a vacant lot next to the carport, testified that the carport is a problem because it is too close to the property line and an eyesore.

9. The Town of Edmonston had no comment on 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 do not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioner's lot has no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property topography or other conditions peculiar to the property.

2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, by majority vote, Vice Chairman Scott abstaining, that variances of 6.1% net lot coverage and 58 feet front street line setback, 1 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 obtain a building permit for an 11' x 32' detached carport in the front yard on the property located at Lot 18, Block F, East Hyattsville Subdivision, being 5109 Emerson Street, Hyattsville, Prince George's County, Maryland, be and are hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.