

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-148-16 Kenny Venable

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: January 11, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on February 3, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone
Acting Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Other Interested Parties

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

Petitioner: Kenny Venable

Appeal No.: V-148-16

Subject Property: Lot 20, 21, Block 55, Bradbury Heights Subdivision, being 4341 Southern Avenue,
Capitol Heights, Prince George's County, Maryland

Witness: Betty Keller (friend)

Heard and Decided: January 11, 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(b)(Table I), which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(e)(Table IV), which prescribes that each lot shall have a front yard at least 25 feet in depth; and Section 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate existing conditions and construct a driveway in front of the dwelling. Variances of 600 square feet net lot area and 12 feet front yard setback, and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1908, contains 4,400 square feet, is zoned R-55 (One-Family Detached Residential), the lot is a narrow rectangular shape and is improved with a single-family dwelling and shed. Exhibit (Exhs.) 2, 3, 8 and 15 (A) thru (J).
2. Petitioner would like to construct a 10' x 13' driveway, part of which would be located in front of the dwelling. Exh. 2. Since Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling, and part of Petitioner's driveway will be located in this area of the front yard, a waiver of the parking area location requirement was requested.
3. The property does not meet the current minimum lot size requirement and the covered front porch is located 13 feet from the front street line. Therefore, variances of 600 square feet net lot area and 12 feet front yard setback were requested. Exhs. 2 and 3.

4. Petitioner explained that due to the excessive amount of traffic on Southern Avenue, resulting in a dangerous situation parking on the street; the Petitioner would like to be able to park his vehicle on his property. Exhs. 2 and 15 (A) thru (J).

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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the apparent danger of parking a vehicle on Southern Avenue due to excessive traffic where the subject property is located, the narrowness of the property 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 600 square feet net lot area and 12 feet front yard setback, and a waiver of the parking area location requirement in order to validate existing conditions and construct a 10' x 13' driveway in front of the dwelling on the property located at Lot 20, 21, Block 55, Bradbury Heights Subdivision, being 4341 Southern Avenue, Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.

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.