

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-28-17 Sandra Plenty

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: April 26, 2017.

CERTIFICATE OF SERVICE

This is to certify that on May 19, 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-NCPCC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Landover Knolls Civic Association
Other Interested Parties

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

Petitioners: Sandra Plenty

Appeal No.: V-28-17

Subject Property: Lot 1, Libernini's Addition to Radiant Valley Subdivision, being 6534 Old Landover Road, Landover, Prince George's County, Maryland

Witness: James Carmon

Heard and Decided: April 26, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 front yard at least 25 feet in depth and 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. Petitioner proposes to validate existing conditions and obtain a building permit for screened porch, shed and extended driveway. Variances of 1.5 feet front yard depth and 13.4% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1958, contains 9,360 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3 (a) thru (b), 4 (a) thru (d), 5, 6 (A) thru (D) and 9.
2. The shape of the property being trapezoidal, becoming narrow towards the rear of the property. Exhs. 2 and 5.
3. Petitioner would like to obtain a building permit for a 12' x 16' screened porch, 12' x 24' shed and extended driveway. As the existing development on the property exceeds the amount of lot coverage allowed, a variance of 13.4% net lot coverage was requested. Exhs. 2, 3 (a) thru (b), 4 (a) thru (d), 6 (A) thru (D) and 14.
4. Because the covered front porch is located 23.5 feet from the front lot line, a variance of 1.5 feet front yard depth was requested. Exhs. 2, 6 (A) thru (B) and 14.
5. Petitioner stated that permits for the wall, fence and driveway have been applied for and are in process. Exh. 8.
6. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 4456-160, dated December 14, 2015, requiring Petitioner to obtain the required permit(s) for work done (e.g., walls over 2 feet, fence over 4 feet, screened in deck, cement driveway, detached garage and a cement patio over 500 square feet) or remove. Exh. 7.
7. Petitioner testified that the shed existed when the property was purchased in 1993 and the only work he has been completed was the rear porch/deck screened 8 or 9 years ago and the driveway concrete poured 6 or 7 years ago. He explained that the original driveway was composed of rocks but over the years

the rocks disappeared which the rain turned into mud. Exhs. 2, 3 (a) thru (b), 4 (a) thru (d), 5, 6 (A) thru (D).

8. Petitioner also testified that the gate will open to allow access for a vehicle, but they do not park any vehicles in the rear. The gate is there only for access to the shed which houses lawn equipment, snow blower etc. Exhs. 2 and 6 (A) thru (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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property shape being trapezoidal, narrowing at the rear of the property, the need to validate existing conditions (shed, screened porch, driveway extension) in order to obtain required permits, 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, Ms. Anastasia Johnson absent, that variances of 1.5 feet front yard depth and 13.4% net lot coverage in order to validate existing conditions and obtain a building permit for 12' x 16' screened porch, 12' x 24' shed and extended driveway on the property located at Lot 1, Libernini's Addition to Radiant Valley Subdivision, being 6534 Old Landover Road, Landover, 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 approved elevation plans, Exhibits 3 (a) thru (b) and 4 (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.