

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-70-17 Willett and Shirley Burch

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: July 12, 2017.

CERTIFICATE OF SERVICE

This is to certify that on July 21, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone
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: Willett and Shirley Burch

Appeal No.: V-70-17

Subject Property: Lot 21, Block 3, Coral Hills Subdivision, being 4722 Pard Road, Capitol Heights,
Prince George's County, Maryland

Heard and Decided: July 12, 2017

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, Petitioners request that the Board approve variances from Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from the rear lot line 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. Petitioners propose to validate an existing condition and construct a driveway in the front yard. A variance of 2 feet rear lot line setback for an accessory building 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 1936, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 3, 6, 8 (A) thru (F) and 16.
2. Petitioners would like to construct a 16' x 30.3' driveway, part of which will be in front of the dwelling. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the front yard between the front street line and the sides of the dwelling, and part of Petitioners' driveway will be in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 10 and 16.
3. The shed is located along the rear lot line. A variance of 2 feet rear lot line setback for an accessory building was requested. Exhs. 2 4 (A) thru (E), 8 (A) thru (F) and 16.
4. Petitioner Shirley Burch testified that a two-car paved driveway is proposed as currently there is a gravel area in the front yard. Exhs. 2 and 16.
5. He further testified that because of health conditions he is unable to walk very far.
6. The proposed driveway was initially proposed to be 30-feet long. The Board requested that the Petitioner reduce the length by 3 feet away to provide distance (for safety) from the house. Petitioner's agreed, revising the length of the proposed driveway to 27 feet causing the new measurement of the proposed driveway to be 16' x 27'. Exhs. 2 and 16.

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 owners 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 health of Petitioner 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, unanimously, that a variance of 2 feet rear lot line setback for an accessory building and a waiver of the parking area location requirement to validate an existing condition and construct a 16' x 27' driveway in the front yard on the property located at Lot 21, Block 3, Coral Hills Subdivision, being 4722 Pard Road, Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised 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.