

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-42-17 Tony and Mary Holt

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: June 21, 2017.

CERTIFICATE OF SERVICE

This is to certify that on August 1, 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: Petitioners
Adjoining Property Owners
M-NCPCC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Other Interested Parties

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

Petitioners: Tony and Mary Holt

Appeal No.: V-42-17

Subject Property: Lot 81, Pine Tree Subdivision, being 8505 Sumter Lane, Clinton, Prince George's County, Maryland

Witnesses: Tamika Felder, Architect, Redlef Group Architects
Dianne Taylor, Property Owner / 8503 Sumter Lane
Marticia Lynch, Tenant / 8503 Sumter Lane

Heard: June 7, 2017; Decided: June 21, 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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking; Section 27-442(i)(Table VIII), which prescribes that not more than 25% of any side yard shall be covered by accessory buildings; 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 detached carport and shed(s). Variances of 9.7% net lot coverage, 52% right side yard coverage, 33% left side yard coverage, 46.1 feet front street line setback and .1-foot right side lot line setback for a second accessory building, 23.5 feet front street line setback and 2 feet left side lot line setback for one accessory building and waivers of the rear yard location requirement for both accessory buildings are requested.

Evidence Presented

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

1. The property was subdivided in 1975, contains 7,679 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, two driveways, two detached carports, and two sheds. The property, located within a cluster subdivision, is on the lip of a cul-de-sac. Exhibit (Exhs.) 2, 3, 4, 5 (A) thru (H), 9 and 27.

2. Petitioners would like to obtain a building permit for an 18.9' x 50.5' detached carport, located 13.9 feet from the front street line, 1.9 feet from the right-side lot line and in the right-side yard and two sheds. They would also like to validate an existing 12' x 20' carport, which is located 36.5 feet from the front street line, on the left side of the dwelling. Variances of 52% right side yard coverage, 33% left side yard coverage, 46.1 feet front street line setback and .1-foot right side lot line setback for a second accessory building, 23.5 feet front street line setback and 2 feet left side lot line setback for one accessory building and

waivers of the rear yard location requirement for both accessory buildings were requested. Exhs. 2, 5 (A) thru (H) and 19.

3. Because the development on the property exceeds the amount of lot coverage allowed, a variance of 9.7% net lot coverage was requested. Exh. 16.

4. Petitioner Tony Holt testified that a metal carport, which was used to shelter their 4 cars, collapsed onto their vehicles during a major snow storm last year. Petitioner further testified that he then decided to build a more durable structure which is what is built now. He noted that the concrete portion of the carport already existed. Exhs. 12, (A) thru (B) and 13 (A) thru (B).

5. Mary Holt explained that the subject property is located on a cul-de-sac. Exh. 4

6. Architect Tamika Felder testified that the driveway located on the left with an existing metal carport has been permitted. Exhs. 2 and 5 (G).

7. Ms. Dianne Taylor, property owner of 8503 Sumter Lane, testified that the carport is an eyesore and projects out. Exh. 2 and 5 (A) thru (H).

8. The Department of Permitting, Inspections and Enforcement (DPIE), Inspections Division, issued Building Violation Notice No. 26856-16-0, dated May 24, 2016, requiring Petitioners to obtain the required permit(s) for work done or remove the same, work includes but not limited to a wood frame carport and multiple sheds in the backyard. On May 25 2016, a door tag was left for Petitioners by a DPIE Inspector, to inspect for a complaint. Exh. 6.

9. The Subdivision Section of the Maryland-National Capital Park & Planning Commission provided comments stating that the proposal is in conformance to Plat Note 2 of Subdivision plat NLP 94 @ 82. Exh. 24.

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

Due to the subject property being located on a cul-de-sac, the previous carport was damaged by the weather, the need to protect the vehicles 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, Mr. Al Scott abstaining, that variances of 9.7% net lot coverage, 52% right side yard coverage, 33% left side yard coverage, 46.1 feet front street line setback and .1 foot right side lot line setback for a second accessory building, 23.5 feet front street line setback and 2 feet left side lot line setback for one accessory building and waivers of the rear yard location requirement for both accessory buildings in order to validate existing conditions and obtain a building permit for an 18.9' x 50.5' detached carport and 2 sheds on the property located at Lot 81, Pine Tree Subdivision,

being 8505 Sumter Lane, Clinton, 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 revised elevation plan, Exhibits 27.

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.