

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-57-17 Peter Hunt

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 August 2, 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: Petitioner
Adjoining Property Owners
M-NCPCC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division

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

Petitioner: Peter Hunt

Appeal No.: V-57-17

Subject Property: Lot 29, Townsend Subdivision, being 8609 Dangerfield Road, Clinton,
Prince George's County, Maryland

Heard: June 21, 2017; Decided: July 12, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Al Scott, Vice Chair
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(e)(Table IV), which prescribes that each lot shall have a side yard at least 8 feet in width; Section 27-442(c)(Table II), which prescribes that not more than 25% 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 2 feet from any side lot line. Petitioner proposes to validate existing conditions and obtain a building permit for a new shed. Variances of 4 feet side yard width for the dwelling, 4.2% net lot coverage and 2 feet side lot line setback for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1962, contains 22,271 square feet, is zoned R-R (Rural Residential) and is improved with a single-family detached dwelling, driveway, detached garage, shed and temporary sea container. Exhibits (Exhs.) 2, 5 and 10.

2. Petitioner proposes to validate existing development and obtain a building permit for a 42' x 28' shed located on the left side lot line at the closest point. Construction of the shed exceeds the amount of allowable lot coverage or 25% for the subject property. Variances of 2 feet side lot line setback for an accessory building (shed) and 4.2% net lot coverage were requested. Exhs. 2, 3, 4 (a) thru (d), 6 and 15.

3. The existing dwelling is located 4 feet from the left side lot line requiring a variance of 4 feet side yard width. Exhs. 2 and 12 (A) thru (F).

4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a correction order on May 8, 2017 to Petitioner to obtain a building permit for the garage/shed, rear excavation and remove the sea container. Exh. 7.

5. Mr. Hunt explained that he has 3 cars that are not tagged and will be parked in the shed. Exh. 2.

6. It was noted that when cars are parked in a building it becomes a garage and an associated driveway area would need to be provided. Petitioner Mr. Hunt submitted revised plan showing the new driveway area to the shed, now the proposed garage. Exh. 23.

7. Mr. Hunt disclosed that the shed/garage extends over the property line onto his neighbors' property (Lot 28, being 8611 Dangerfield Road). See also Exh. 2.

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 does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. No evidence of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the subject property was presented.
2. The Board notes that the shed/garage appears to encroach onto Lot 28.

BE IT THEREFORE RESOLVED, by majority vote, Mr. Al Scott abstaining, that variances of 4 feet side yard width for the dwelling, 4.2% net lot coverage and 2 feet side lot line setback for an accessory building in order to validate existing conditions and obtain a building permit for a new shed on the property located at, Prince George's County, Maryland, be and are hereby DENIED.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

NOTICE

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.