

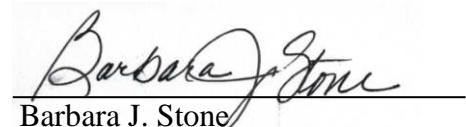
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-76-17 William Nowlin, Jr.

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: August 9, 2017.

CERTIFICATE OF SERVICE

This is to certify that on August 24, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
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

Petitioner: William Nowlin, Jr.

Appeal No.: V-76-17

Subject Property: Lots 15 & 16, Block K, Cedar Valley Subdivision, being 4001 Ellis Street, Capitol Heights, Prince George's County, Maryland

Heard: July 26, 2017; Decided: August 9, 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, Petitioner requests 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 and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard. Petitioner proposes to construct a detached garage in the front yard. Variances of 2.7% net lot coverage and 33 feet front street line setback and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1951, contains 6,109 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is an irregular shaped corner lot with an angled rear yard and the house facing the legal front street (Ellis Street). Exhibits (Exhs.) 2, 4, 7, and 18.

2. Petitioner would like to construct an 18' x 21' detached garage. Construction of the garage would exceed the amount of lot coverage allowed. A variance of 7.11% net lot coverage was requested. Exhs. 3, 5 (A) thru (B), 9 (A) thru (F) and 18.

3. Petitioner testified that he would like to construct a metal garage at the end of the existing paved driveway. He provided a revised site plan with the garage being located 41 feet from the front street line and beside the dwelling. A variance of 19 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exhs. 3, 5 (A) thru (B), 9 (A) thru (F) and 18.

4. Petitioner further testified that he would have liked to place the garage in the rear yard, but the rear yard slopes. Exhs. 3 and 18.

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 a corner lot, the rear yard being angled, the rear yard also sloping, the existing driveway ending in the front yard 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 7.11% net lot coverage and 19 feet front street line setback and a waiver of the rear yard location requirement for an accessory building to construct an 18' x 21' detached garage in the side yard on the property located at Lots 15 & 16, Block K, Cedar Valley Subdivision, being 4001 Ellis Street, 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 site plan, Exhibit 18, and approved elevation plan, Exhibit 3.

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.