

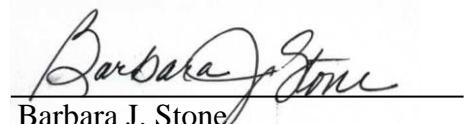
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-145-17 Warren Faison

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: September 27, 2017.

CERTIFICATE OF SERVICE

This is to certify that on October 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: Warren Faison

Appeal No.: V-145-17

Subject Property: Lot 5, Block K, North Forestville Subdivision, being 2713 Overdale Place, Forestville, Prince George's County, Maryland

Witness: Oris Johnson, General Contractor

Heard and Decided: September 27, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth; 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 27-120.01(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. Petitioner proposes to validate existing conditions and construct a one-story addition. Variances of 4.45 feet front yard depth, 6.1% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1947, contains 5,948 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is located within the Military Installation Overlay Zone. Exhibits (Exhs.) 2, 4, 7, 8 and 10 (A) thru (F).

2. Petitioner would like to construct a 14' x 35' one-story addition on the rear of the existing dwelling. Construction of the addition would exceed the amount of lot coverage allowed. A variance of 6.1% net lot coverage was requested. Exhs. 2 and 3 (a) thru (c).

3. The existing covered front porch is located 20.55 feet from the front street line requiring a variance of 4.45 feet front yard depth to validate the location. Exhs. 2 and 10 (A) thru (F).

4. The existing driveway had been widened, placing the expanded portion of the driveway 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, therefore a waiver of the parking area location requirement was requested. Exhs. 2 and 10 (A) thru (F).

5. Contractor Oris Johnson explained that Mr. Faison is a veteran with disabilities who requires a bedroom and bathroom that are handicapped accessible. Exhs. 2 and 3 (a) thru (c).

6. Mr. Faison also testified that because of petitioner's war-related injuries, he faces other medical issues which limit his daily living.

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 need for a handicapped accessible living area, the need for expanded vehicular off-street parking space because of limitations caused by petitioner's current medical conditions 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 4.45 feet front yard depth, 6.1% net lot coverage and a waiver of the parking area location requirement to validate existing conditions and construct a 14' x 35' one-story addition on the property located at Lot 5, Block K, North Forestville Subdivision, being 2713 Overdale Place, Forestville, 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 (c).

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.