

NOTICE OF FINAL DECISION

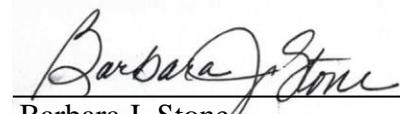
OF BOARD OF APPEALS

RE: Case No. V-142-17 Charles and Loren Garfolo

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: November 29, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on January 2, 2018 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Barbara J. Stone
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, 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

Petitioners: Charles and Loren Garfolo

Appeal No.: V-142-17

Subject Property: Lot 12, Block E, McCahill Estates Subdivision, being 6703 McCahill Terrace, Laurel,
Prince George's County, Maryland

Heard and Decided: November 29, 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 25% of the net lot area shall be covered by buildings; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall generally be located only in the rear yard; and Section 27-420(d), which prescribes that walls and fences more than four (4) feet in height (above the finished grade, measured from the top of the fence to grade on the side of the fence where the grade is the lowest) shall be considered structures requiring building permits. Petitioners propose to validate existing conditions and obtain a building permit for a driveway extension and 6-foot wooden fence. A variance of 4.6% net lot coverage 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 1964, contains 10,223 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3, 8 and 10 (A) thru (F).
2. Petitioners would like to obtain a building permit for a pre-existing 17' x 60' driveway extension and a 6-foot wooden fence. Construction of the driveway exceeds the amount of lot coverage allowed. A variance of 4.6% net lot coverage was requested. Exhs. 2, 6 and 7.
3. The existing shed is in the side yard next to the deck. A waiver of the rear yard location requirement for that accessory building was requested. Exhs. 2 and 23.
4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 38464-17-0, dated July 21, 2017, requiring Petitioners to "Obtain the required permit(s) for work done at the above-referenced property or remove the same. Work includes but not limited to the fence that was over 4 feet." Exh. 5.

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.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 4.6% net lot coverage and a waiver of the rear yard location requirement for an accessory building to validate existing conditions and obtain a building permit for a driveway extension and 6-foot wooden fence on the property located at Lot 12, Block E, McCahill Estates Subdivision, being 6703 McCahill Terrace, Laurel, 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 23.

BOARD OF ZONING APPEALS

ORIGINAL SIGNED
By: _____
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.