

NOTICE OF FINAL DECISION

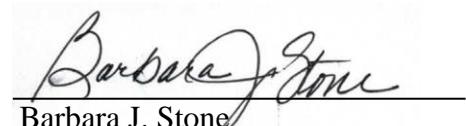
OF BOARD OF APPEALS

RE: Case No. V-164-17 William and Janice McRae

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: January 10, 2018.

CERTIFICATE OF SERVICE

This is to certify that on January 22, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioners
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

Petitioners: William and Janice McRae

Appeal No.: V-164-17

Subject Property: Lots 20 thru 23, Block B, Sansbury Park Subdivision, being 3015 Lakehurst Avenue, Forestville, Prince George's County, Maryland

Heard and Decided: January 10, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a front yard at least 25 feet in depth and a side yard along the side street at least 15 feet in depth; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 15 feet from the side street line and 10 feet from the rear lot line. Petitioners propose to validate existing conditions and construct a detached carport. Variances of 2 feet front yard depth and 5 feet side street yard depth for the dwelling, and variances of 7 feet rear lot line setback for one accessory building and 3 feet side street setback and 8 feet rear lot line setback for a second accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1924, contains 11,467 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property (lots 20-23) is a 5-sided corner lot with the dwelling facing the legal front street (Lakehurst Avenue). Exhibits (Exhs.) 2, 4, 9 and 11 (A) thru (F).

2. The adjoining property to the rear of the subject property is also a corner lot, with the dwelling facing a different street than the side street (Forest Avenue). Exhs. 2, 4, and 11 (A) thru (F).

3. Petitioners would like to construct an 18' x 21' detached carport, which would be located 13 feet from the side street line and 2 feet from the rear lot line. An existing shed is located 45 feet from the side street line and 3 feet from the rear lot line. Variances of 3 feet side street setback and 8 feet rear lot line setback for the detached carport and 7 feet rear lot line setback for the shed were requested. Exhs. 2, 3 (a) thru (c), 5, 21 and 22.

4. Pre-existing conditions are a covered front porch located 23 feet from the front street line at the corner and the covered side porch is located 10 feet from the side street line. Variances of 2 feet front yard depth and 5 feet side street yard depth for the dwelling were requested, respectively. Exhs. 2 and 5.

5. Petitioner William McRae testified that the proposed carport will protect vehicles from debris (branches, limbs and leaves) falling from a large tree overhanging from adjoining lots 24-27 where a vacant house is located. Exhs. 5 (a) thru (c) and 11 (d).

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 need to protect vehicles from debris (branches, limbs and leaves) falling from a large overhanging tree from the abutting property 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, unanimously, that variances of 2 feet front yard depth and 5 feet side street yard depth for the dwelling, and variances of 7 feet rear lot line setback for one accessory building (shed) and 3 feet side street setback and 8 feet rear lot line setback for a second accessory building (carport) in order to validate existing conditions and construct an 18' x 21' detached carport on the property located at Lots 20 thru 23, Block B, Sansbury Park Subdivision, being 3015 Lakehurst Avenue, 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

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.