

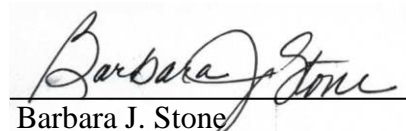
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-171-17 William and Kimberley Frye

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 23, 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 Kimberley Frye

Appeal No.: V-171-17

Subject Property: Lot 3, Block F, West Laurel Acres Subdivision, being 15404 Clayburn Drive, Laurel,
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(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 not more than 25% of the rear yard shall be covered by accessory buildings. Petitioners propose to validate an existing condition and construct a shed. Variances of 3.7% net lot coverage and 2.3% rear yard coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1959, contains 10,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, two driveways, a detached garage and two sheds. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. Petitioners would like to construct a 28' x 32' shed in the rear yard. Construction of the shed would exceed the amount of lot coverage allowed for the rear yard and, as the existing development on the property exceeds the amount of net lot coverage allowed, the shed would be further overage for development. Variances of 3.7% net lot coverage and 2.3% rear yard coverage were requested, respectively. Exhs. 2, 3 (a) thru (d), 5 (A) thru (H) and 19.
3. Petitioners stated that they would be removing the detached garage, two sheds and a portion of the driveway behind the dwelling to construct the proposed shed. Exhs. 2, 5 (A) thru (H).
4. Petitioner William Frye testified that one of the sheds, which was built in 2001, is now rotting, leaking and deteriorating. Petitioners have had to rent a "POD" for the last four months to protect the tools and equipment. He also described the other shed and garage as old and deteriorating. Exhs. 2, 5 (A) thru (H) and 19.
5. He explained that there are four pieces of concrete at the end of the driveway in the front of the garage, which was installed in 1996, this concrete will also be removed. Exhs. 2, 5 (A) thru (H) and 19.
6. Mr. Frye submitted several letters from neighbors in support of the proposal. Exh. 20.

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 deteriorated conditions of the sheds and garage, the need for secure outdoor storage 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 3.7% net lot coverage and 2.3% rear yard coverage to validate an existing condition and construct a 28' x 32' shed on the property located at Lot 3, Block F, West Laurel Acres Subdivision, being 15404 Clayburn Drive, Laurel, 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 (d).

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.