

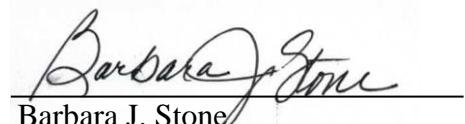
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-175-17 Cecil and Alverta Thompson/Lakeisha Keel

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 24, 2018.

CERTIFICATE OF SERVICE

This is to certify that on February 9, 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-NCPCC, 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: Cecil and Alverta Thompson/Lakeisha Keel

Appeal No.: V-175-17

Subject Property: Lots 6 & 7, Block 3, Greater Capitol Heights Subdivision, being 705 Drum Avenue, Capitol Heights, Prince George's County, Maryland

Heard: January 10, 2018; Decided: January 24, 2018

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(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(d)(Table III), which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line; Section 27-442(e)(Table IV), which prescribes that each lot shall have a side yard at least 5 feet in width; 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 validate existing conditions and obtain a building permit for a new detached carport in the front yard. Variances of 1,000 square feet net lot area, 10 feet front building line width, .4-foot side yard width for the dwelling, 6.3% net lot coverage and a variance of 58.5 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 1909, contains 4,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, detached carport and shed. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).
2. The lot is narrow being only 40 feet wide. Exhs. 2 and 4.
3. Petitioners would like to obtain a building permit for a new 10' x 21' detached carport in the front yard, which is located 1.5 feet from the front street line, and the existing development on the property exceeds the amount of lot coverage allowed. Variances of 6.3% net lot coverage and 58.5 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exhs. 2, 3 (a) thru (c), 4 and 5 (A) thru (B).
4. The lot size and lot width at the front building line do not meet the current regulations and the dwelling is located 4.6 feet from the side lot line, requiring validation of the existing conditions. Variances of 1,000 square feet net lot area, 10 feet front building line width and .4-foot side yard width for the dwelling were therefore, requested. Exhs. 2, 3 (a) thru (c), 4 and 5 (A) thru (B).

5. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 46304-17-0, dated August 3, 2017, requiring Petitioners to "Obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to a carport and new HVAC." Exh. 6.

6. Petitioner Cecil Thompson testified that the previous carport was damaged by a snow storm. Exhs. 2, 3 (a) thru (c), and 5 (A) thru (B).

7. Mr. Thompson explained that the carport would not be out of character. Petitioner provided several photographs of other carports similar to his in the front yard. Exhs. 20 (A) thru (C).

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 lot being narrow, the dwelling being only 4.5 feet from the right-side yard, the new carport replacing a storm damaged carport, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, or 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 1,000 square feet net lot area, 10 feet front building line width, .4 foot side yard width for the dwelling, 6.3% net lot coverage and a variance of 58.5 feet front street line setback and a waiver of the rear yard location requirement for an accessory building in order to validate existing conditions and obtain a building permit for a new 10' x 21' detached carport in the front yard on the property located at Lots 6 & 7, Block 3, Greater Capitol Heights Subdivision, being 705 Drum Avenue, 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 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.