

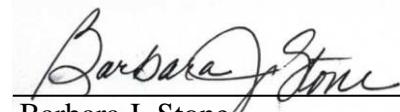
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-177-17 Kilian Bach Kagle

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 12, 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: 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: Kilian Bach Kagle

Appeal No.: V-177-17

Subject Property: Lot 9, Patuxent Manor Subdivision, being 16001 Croom Airport Road, Upper Marlboro, Prince George's County, Maryland

Heard and Decided: January 24, 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(i)(Table VIII), which prescribes that accessory buildings shall generally be located only in the rear yard. Petitioner proposes to validate an existing condition and construct a canopy over existing gravel driveway area. Waivers of the rear yard location requirement for two accessory buildings are requested.

Evidence Presented

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

1. The property was subdivided in 1986, contains 224,459 square feet (5.15 acres), is zoned O-S (Open Space) and is improved with a single-family dwelling, driveway, shed and swimming pool. Exhibits (Exhs.) 3, 5, 8, 9 and 10 (A) thru (F).

2. Petitioner would like to construct a 20' x 20' open carport over existing gravel driveway area. The carport would be located at the end of the driveway to the right of the dwelling. A waiver of the rear yard location requirement was requested. Exhs. 3, 4, 6 (A) thru (G), 18 and 20.

3. An existing shed is in the side yard to the left of the dwelling. A waiver of the rear yard location requirement to validate the shed's location was requested. Exhs. 3, 10 (A) thru (F).

4. Petitioner Kilian Kagle testified that numerous pieces of agricultural equipment will be protected in the shed. Exhs. 3, 4 6 (A) thru (G), 18 and 20.

5. Petitioner stated that he is wishing to add an accessory building to the west side of the property. It is envisioned to be a 20' x 20' open carport (with the option to enclose the structure in the future). The structure will be built with galvanized steel with 3 galvanized steel trusses that run to the ground. Exhs. 3, 4 6 (A) thru (G),18 and 20.

6. Based on a contour map (Exh. 18), there is a contour in excess of 60 feet in the rear of the property, a tributary running across on the property, a secondary tributary to Old House Creek, behind the house is a leach field and elevation drops 20 feet in the rear. Exhs. 3, 4 6 (A) thru (G), 18 and 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the exceptional topography of the subject property, the most suitable location for the proposed carport is at the end of the existing gravel driveway area, 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 waivers of the rear yard location requirement to validate an existing condition and construct a 20' x 20' canopy over existing gravel driveway area on the property located at Lot 9, Patuxent Manor Subdivision, being 16001 Croom Airport Road, Upper Marlboro, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 20 and approved elevation plan, Exhibit 4.

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.