

NOTICE OF FINAL DECISION

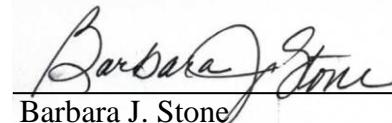
OF BOARD OF APPEALS

RE: Case No. V-179-17 Peter Hunt

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: February 14, 2018.

CERTIFICATE OF SERVICE

This is to certify that on February 23, 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
DPIE/Inspections Division

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Peter Hunt

Appeal No.: V-179-17

Subject Property: Lot 29, Townsend Subdivision, being 8609 Dangerfield Road, Clinton,
Prince George's County, Maryland

Heard: January 24, 2018; Decided: February 14, 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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width; Section 27-442(c)(Table II), which prescribes that not more than 25% 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 2 feet from any side lot line. Petitioner proposes to validate existing conditions and construct two one-story additions, a detached garage and driveway extension. Variances of 4 feet side yard width for the dwelling, 15.7% net lot coverage and 1 foot side lot line setback for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1962, contains 22,271 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway, detached garage and shed. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).

2. Petitioner would like to construct a 30' x 56.8' one-story addition to the side of the dwelling, a 12' x 24' one-story addition to the rear of the dwelling, a 28' x 48' detached garage and driveway extension in the rear yard. As the existing development exceeds the amount of lot coverage allowed, the new construction would be further overage. A variance of 15.7% net lot coverage was requested. Exhs. 2, 3 and 5 (A) thru (D).

3. The existing dwelling is located 4 feet from the left side lot line and the proposed addition would be located 5 feet from that property line. A variance of 4 feet side yard width to validate the existing dwelling and allow construction of the addition was also requested. Exhs. 2, 3 and 5 (A) thru (D).

4. Although a portion of the existing shed is to be removed to allow the structure to be located on the subject property, a corner of the shed will remain 1 foot from the side lot line. A variance of 1-foot side lot line setback for an accessory building was requested.¹. Exhs. 2, 3 and 5 (A) thru (D).

¹ Petitioner stated that the existing shed (42' x 28') was built partially on the neighbor's property because he was under the impression that the fence encompassed his property line and built the shed within the fence. It

5. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 33974-17-0, dated July 7, 2017, requiring Petitioner to "Obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to a rear detached garage and excavation for a rear addition." Exh. 6.

6. Mr. Hunt described the proposed development to the existing house as a 30' x 56.8' addition (bedrooms) on the side of the house and a 12' x 24' addition on the back of the house (kitchen). Exhs. 2, 3, 5 (A) thru (D), 20 and 21.

7. Mr. Hunt explained that the proposed garage door is 10' feet wide and 9' high and the garage will be able to accommodate 10 cars, car parts, tools, lifts, farm equipment, backhoe and boat. He stated that the garage will protect his equipment from the weather. Exhs. 2, 3, 5 (A) thru (D), 20 and 21.

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 does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioner's lot has no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition on the subject property. The proposed development of the additions and the garage appear to be solely for convenience.

2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 4 feet side yard width and 11.9% net lot coverage to validate existing conditions and construct a 30' x 56.8' one-story addition, a 12' x 24' one-story addition, a 28' x 48' detached garage and driveway extension on the property located at Lot 29, Townsend Subdivision, being 8609 Dangerfield Road, Clinton, Prince George's County, Maryland, be and are hereby DENIED.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

was clarified by Mr. Hunt that the current site plan is incorrect in that the 20' x 42' shed was to be completely removed. Therefore, the 1 foot side lot line setback for an accessory building is no longer required. Exh. 20.

NOTICE

Further, Section 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.