

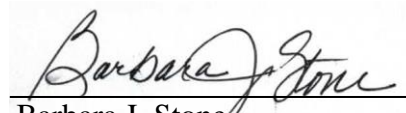
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-195-17 AmAni Stebbins

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: April 25, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on May 8, 2018 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Other Interested Parties

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

Petitioner: AmAni Stebbins

Appeal No.: V-195-17

Subject Property: Lot 1, First Addition to Marietta Woods Subdivision, being 9924 Lanham Severn Road,
Lanham, Prince George's County, Maryland

Witnesses: Tommy Thomas, Architect, TN Thomas Designs Services, Inc.
Emily Hickey, President, Seabrook Acres Neighborhood Association

Heard and Decided: April 25, 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(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line, 10 feet from the rear lot line and generally be located only in the rear yard. Petitioner proposes to validate an existing condition (shed) and construct a shed. Variances of 7.34 feet front street line setback and a waiver of the rear yard location requirement for one accessory building and 41 feet front street line setback, 2 feet rear lot line setback¹ and a waiver of the rear yard location requirement 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 1980, contains 15,712 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. The property is a corner lot with the dwelling facing the legal side street. Exhibits (Exhs.) 2, 4, 8, 9, 10 (A) thru (F) and 11 (A) thru (J).

2. The lot is an odd shaped corner lot with the house facing Lanham Severn Road, setting back towards the legal rear yard. Exhs. 2 and 4.

3. Petitioner would like to construct a 24' x 28' shed, which would be located 39 feet from the front street line and in the front yard. Petitioner would also like to validate the location of an existing shed on the property which is 52.67 feet from the front street line and in the front yard. Variances of 7.34 feet front street line setback and a waiver of the rear yard location requirement for one accessory building and 41 feet front street line setback, and a waiver of the rear yard location requirement for a second accessory building were requested. Exhs. 2, 3, 5 (A) thru (C) and 6 (A) thru (D).

4. Petitioner explained that she would like to add another shed on her property because of the unusual small size of her house. Exhs. 2 and 3.

¹ It was determined that the 2-foot rear lot line setback variance was not necessary.

5. Mr. Thomas stated that Ms. Stebbins is a “collector” and does need the additional storage.

6. Ms. Hickey testified because of the hedges and shrubbery, the proposed shed would not be able to be seen unless you walked into the yard from Louise Street. She stated she was concerned about the view of the shed by the neighbor of Ms. Stebbins. She stated that the subject property is well buffered from Lanham Severn Road. Exhs. 2, 5 (A) thru (C) and 6 (A) thru (D).

7. Ms. Stebbins testified that she will maintain the buffer. Exhs. 2, 5 (A) thru (C), 6 (A) thru (D), 10 (A) thru (F) and 11 (A) thru (J).

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 odd shape of the lot, the lot being a corner lot, the small size of the dwelling, the house being set back toward the legal rear yard 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 7.34 feet front street line setback and a waiver of the rear yard location requirement for one accessory building, 41 feet front street line setback, and a waiver of the rear yard location requirement for a second accessory building in order to validate an existing condition (shed) and construct a shed on the property located at Lot 1, First Addition to Marietta Woods Subdivision, being 9924 Lanham Severn Road, Lanham, 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 plan, Exhibit 3.

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.