



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-198-17 Gregory Jackson

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: May 9, 2018.

CERTIFICATE OF SERVICE

This is to certify that on June 1, 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

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

Petitioner: Gregory Jackson

Appeal No.: V-198-17

Subject Property: Lot 6, Block L, Oak Orchard Subdivision, being 9608 Beverly Avenue, Clinton,
Prince George's County, Maryland

Witnesses: Jasmine Jackson, Daughter
Marlon Alexander, Son-in-Law

Heard: April 25, 2018; Decided: May 9, 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(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 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate an existing condition (driveway) and construct a detached garage and driveway. A variance of 7.7% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1962, contains 10,750 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 7, 8, 9 (A) thru (F) and 10 (A) thru (F).
2. There is an extended surface drainage easement on the right side of the property. Exh. 2.
3. Petitioner initially requested to construct a 24' x 24' detached garage and 10' x 95' driveway on the left side of the property. As the existing development exceeds the amount of lot coverage allowed, construction of the garage and driveway would be further overage. A variance of 7.7% net lot coverage was requested. Exhs. 2, 3, 5 (A) thru (H) and 12.
4. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the front yard between the front street line and the sides of the dwelling. Since part of Petitioner's driveway will be slightly in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 3, 5 (A) thru (H) and 12.
5. Petitioner Gregory Jackson, Sargent with the Metropolitan Police Department/D.C. Bomb Squad, testified that the pre-existing single-car driveway on the right side of the house was expanded slightly in

front of the dwelling to accommodate vehicles (including his police cruiser containing expensive equipment). He stated that he is on call 24/7 for law enforcement. Exh. 17.

6. Petitioner withdrew his request for the proposed detached garage and the part of the proposed driveway extending to the garage.¹ Exhs. 17 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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to Petitioner being unable to lengthen the existing driveway on the right-side yard because of the surface drainage easement 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 a variance of .5% net lot coverage and a waiver of the parking area location requirement to validate an existing condition (right driveway) and construct a 10' x 76' driveway on the left side of the property located at Lot 6, Block L, Oak Orchard Subdivision, being 9608 Beverly Avenue, Clinton, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 17.

BOARD OF ZONING APPEALS

By:


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.

¹ Thus, the request for a variance for net lot coverage was reduced to .5%.

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.

LOCATION DRAWING
SECTION THREE
OAK ORCHARD SUBDIVISION
LOT 6 BLOCK L
PRINCE GEORGE'S COUNTY, MARYLAND

