

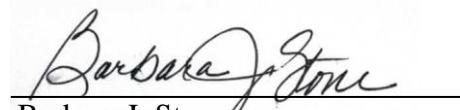
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-215-17 Danny Proctor and Lisa Butler

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: March 28, 2018.

CERTIFICATE OF SERVICE

This is to certify that on April 9, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioners
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

Petitioners: Danny Proctor and Lisa Butler

Appeal No.: V-215-17

Subject Property: Parcel 80, Tax Map 161, Grid C4, being 17508 Clinton Drive, Accokeek,
Prince George's County, Maryland

Witness: Sunday Ojigbo, Contractor

Heard and Decided: March 28, 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 a variance 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 a variance from Section 27-442(c)(Table II), which prescribes that not more than 10% of the net lot area shall be covered by buildings. Petitioners propose to construct a detached garage and driveway extension. A variance of 3.6% net lot coverage is requested.

Evidence Presented

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

1. The property contains 108,464.4 square feet (2.49 acres), is zoned R-A (Residential-Agricultural) and is improved with a single-family dwelling with finished basement, two driveways, two detached carports and a shed. Exhibit 2, 10, 11 and 12 (A) thru (F).

2. The property was created by deed in 1978. A right-of-way easement exists on the right side of the subject property. Exhs. 4, 5, 6, 7 and 8

3. Petitioners would like to construct a 40' x 50' detached garage and 50' x 93' driveway extension. The extension will connect with a pre-existing gravel driveway that is 93 feet away from the proposed garage. Construction of the garage and driveway extension would exceed the amount of lot coverage allowed. A variance of 3.6% net lot coverage was requested.¹ Exhs. 2, 3 (a) thru (b) and 14.

4. Mr. Sunday Ojigbo stated that the garage will be used to store antique cars and as a wood working shop. Exhs. 2, 3 (a) thru (b) and 14.

5. Mr. Proctor stated that the proposed location of the garage is the most suitable space because of the topography and the lot being heavily wooded. Exhs. 2, 3(a) thru (b), 4 (A) thru (C) and 12 (A) thru (F).

¹ Petitioner has revised the site plan adding a note that the wood shed has been removed. Therefore, lot coverage has been reduced by .6%, bringing the request for lot coverage to 3%. Exhs. 22 and 23.

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 the proposed rear yard location of the garage being the most suitable area because of topography, the lot being heavily wooded, the pre-existing location of the gravel driveway to which the extension must be attached, 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 a variance of 3.0 % net lot coverage to construct a 40' x 50' detached garage and 50' x 93' driveway extension on the property located at Parcel 80, Tax Map 161, Grid C4, being 17508 Clinton Drive, Accokeek, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 22 and approved elevation plans, Exhibits 3 (a) thru (b).

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.