



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

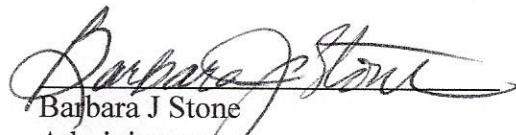
OF BOARD OF APPEALS

RE: Case No. V-83-22 Steve Gebert

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 8, 2023.

CERTIFICATE OF SERVICE

This is to certify that on April 14, 2023, 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: Steve Gebert

Appeal No.: V-83-22 ,

Subject Property: Lot A, Lot 11, Darcey Estates Subdivision, being 5515 Auth Road, Suitland, Prince George's County, Maryland

Heard: January 25, 2023; Decided: February 8, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Anastasia T. Johnson, Member
Renee Alston, Member
Carl Isler, Member
Teia Hill, 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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-4202(d)(1) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Section 27-4202(d)(2) prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioner proposes to validate an existing condition (front yard depth) and obtain a building permit to build two-double garages. Variances of 17.6% net lot coverage and 4 feet front yard depth are requested.

Evidence Presented

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

1. The property was subdivided in 1936, contains 11,424 square feet, is Zoned RSF-95 (Residential, Single-Family - 95) and is improved with a single-family dwelling, driveway, deck, and existing shed to be removed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. The subject property is trapezoid in shape with the rear lot line angled. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).
3. Petitioner proposes to validate two existing conditions (front yard depth and net lot coverage) and obtain a building permit to build two double-car garages. A variance of 4 feet front yard depth is required as the existing front porch is encroaching the front yard setback. In addition, validation of the net lot coverage is needed as the preexisting lot coverage was over the allowable maximum and the proposed two double-car garages will further exacerbate the overage. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).
4. Petitioner Steve Gebert testified that he would like to construct two (2) double-car garages for his two vintage and one personal use vehicle. He stated that currently the cars are exposed to the elements and the proposed garages will be enclosed. He explained that the 4th parking stall will be used to keep his lawn equipment, bicycles, and other items. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).
5. He further testified that his driveway runs on the right side of the house and expands into the rear yard driveway area comprised of fiber grates which allows both grass and water to flow through them. He stated that fiber grates are permeable and extremely strong. Exhs. 2, 3 (a) thru (d), 5 (A) thru (D).

7. He stated that currently there is an existing shed that is falling apart and will be removed. The first proposed garage will be built where the existing shed was located, and the second proposed garage will be to the right of it. Exhs. 2.

8. The Board notes that on July 6, 2022, Violation Notice CSD Case No.: 22-00031743 was issued to petitioner:

Housing Code Section 13-118(f) VIOLATION: Premises has the unlawful storage of wrecked, dismantled, inoperable, and/or unlicensed motor vehicle(s) in the back yard.

CORRECTIVE ACTION REQUIRED: Remove and maintain premises free of any wrecked, dismantled, inoperable, and/or unlicensed motor vehicle(s). This section shall not apply to anyone (1) such vehicle that is kept in a wholly enclosed garage. To be considered operable, it must be demonstrated that the vehicle is capable of being driven under its own power for a minimum distance of one hundred (100) feet.

Exh. 6.

9. An email was received from Inspector Aaron Long (February 4, 2023), stating that the violation had been abated and the violation is now closed. Exh. 18.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Findings of the Board

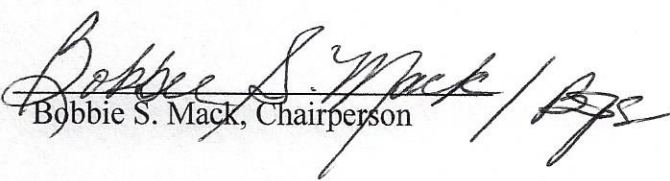
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the subject property being trapezoid in shape, with the rear lot line angle affecting the net lot size of the property, the need to preserve and protect the vintage show vehicles which are exposed to the weather, space is needed to store lawn equipment, bicycles and other items 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 variances of 17.6% net lot coverage and 4 feet front yard depth in order to validate an existing condition (front yard depth) and obtain a building permit to build two-double garages on the property located at 5515 Auth Road, Suitland, 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 plans, Exhibits 3 (a) thru (d).

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.

Further, Section 27-3613(c)(10)(B) 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.

APPROVED
FEB 08 2023

APPROVED

ADMINISTRATOR

$45^{\circ} 14' 30'' N \approx 100.87^{\circ}$

AUTH

ROAD

MD # 10833
DCLS # 900860

Lot 34

Fence OnLine

SCALE: 1"=20'



Lot 143W = 107.10

LOT 11
11,4247

PROP.
GARR.

FIBERGRATE
DRIVEWAY
1086.7sf

1 STORY
BRICK
w/Bsm^t
5515
43.10

S 44° 36' 35" E ~ 77.00

EXH. # 2
Y-83-22



STRUCTURAL DESIGN

ENCLOSED BUILDING

**MAXIMUM 30'- 0" WIDE X 14'- 0" HEIGHT-
BOX EAVE FRAME AND BOW FRAME**

5 November 2018

Revision 6

M&A Project No. 17062S/17174S/17254S/18033S/18113S/18246S

Prepared for:

Gebert Contract (Garage Building 24' x 26')

Newmart Builders

1000 Cycle Lane

South Hill, VA 23970

Prepared by:

Moore and Associates Engineering and Consulting, Inc.

1009 East Avenue

North Augusta, SC 29841

401 S. Main Street, Suite 200

Mount Airy, NC 27030

BOARD OF APPEALS

APPROVED FEB 08 2023

[Signature]
ADMINISTRATOR

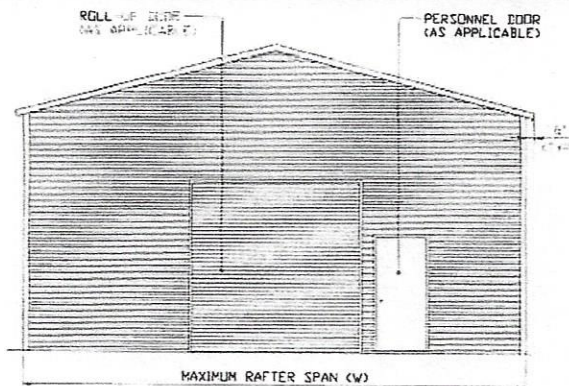


MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING

3(a)

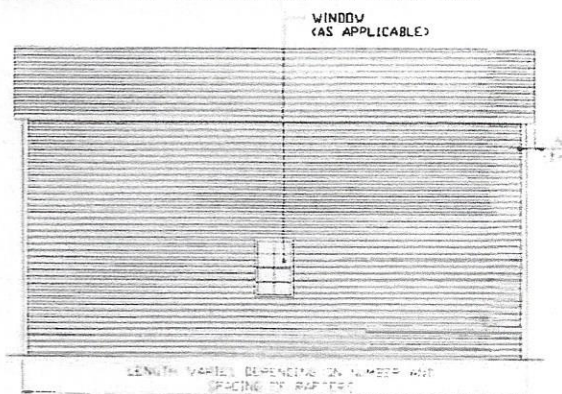
EXH. 3(a-d)
V-83-22

BOX EAVE FRAME RAFTER STRUCTURE (Sheets 4, 5A, 5B, 8, 9, 11, 12, 13, 15 AND 16)



TYPICAL END ELEVATION

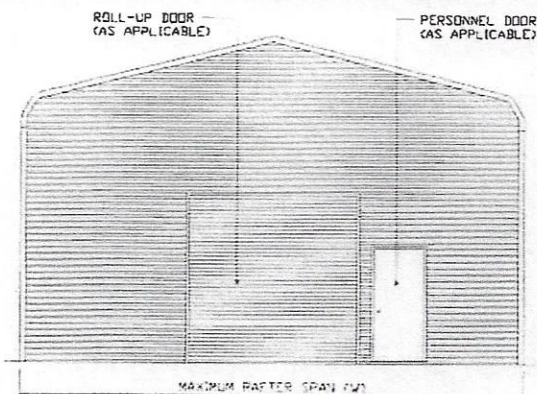
SCALE: NTS



TYPICAL SIDE ELEVATION

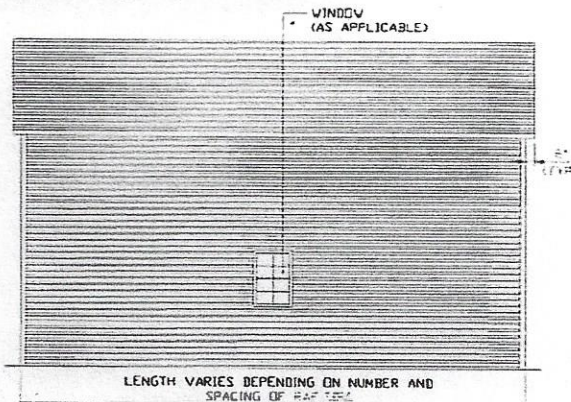
SCALE: NTS

BOW FRAME RAFTER STRUCTURE (Sheets 6, 7A, 7B, 8, 10, 11, 12, 14 AND 16)



TYPICAL END ELEVATION

SCALE: NTS



TYPICAL SIDE ELEVATION

SCALE: NTS

BOARD OF APPEALS

APPROVED FEB 08 2023

ADMINISTRATOR

[Signature]
ADMINISTRATOR

3(b)

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: LT

CHECKED BY: PDH

PROJECT MGR: WSH

CLIENT: NEWMART
BUILDERS

NEWMART BUILDERS, INC.

1000 CYCLE LANE
SOUTH HILL, VA 23970

30'-0"x14'-0" ENCLOSED STRUCTURE

DATE: 11-5-18

SHT. 3B

SCALE: NTS

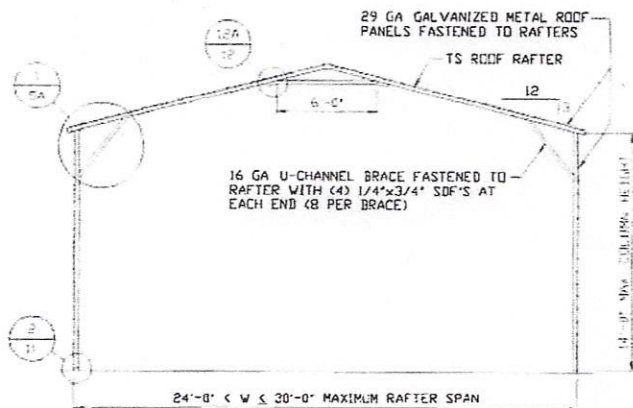
DWG. NO: SK-3

JOB NO:

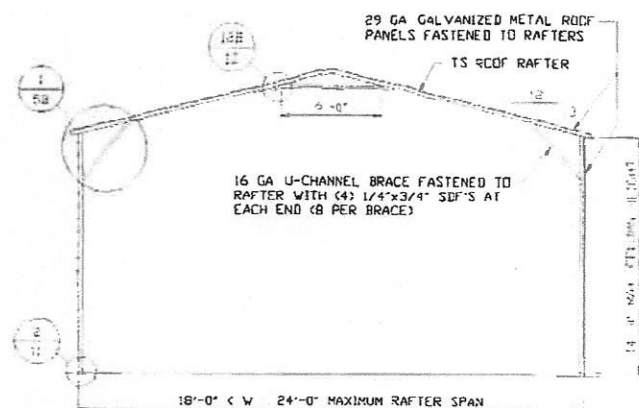
18033S/18113S/18246S

REV: 6

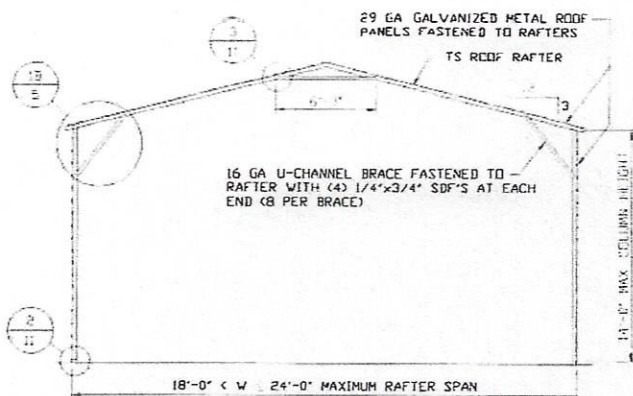
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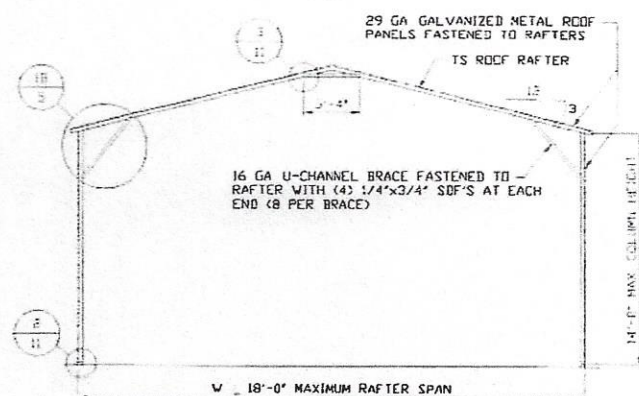
TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



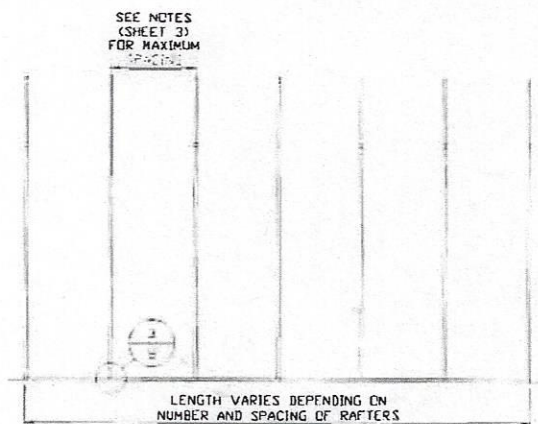
TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN SIDE FRAMING SECTION
SCALE: NTS

BOARD OF APPEALS

APPROVED FEB 08 2023

[Signature]
ADMINISTRATOR

3(c)

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: LT

CHECKED BY: PDM

PROJECT MGR: VSM

CLIENT: NEWMART BUILDERS

NEWMART BUILDERS, INC.
1000 CYCLE LANE
SOUTH HILL, VA 23970
30'-0"x14'-0" ENCLOSED STRUCTURE

DATE: 11-5-18

SHT. 4

SCALE: NTS

DWG. NO: SK-3

JOB NO: 18033S/18113S/18246S

REV: 6

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BOARD OF APPEALS

APPROVED FEB 08 2023

ADMINISTRATOR



**ITEM# 400 A-FRAME TWO TONE
GARAGE 24' X 26'-9'**

3(d)