

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

Petitioner: David Winston

Appeal No.: V-15-19

Subject Property: Lot 7, Block 2, Brock Hall Subdivision, being 14500, Upper Marlboro,
Prince George's County, Maryland

Heard and Decided: March 20, 2019

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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(s) request(s) 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, 2 feet from any side or rear lot line, shall not exceed 15 feet in height and generally be located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces the side street. Section 27-442(c)(Table II) prescribes that not more than 20% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate a new detached garage and driveway to obtain a building permit. Variances of 13.7% net lot coverage and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1955, contains 69,892.02 square feet, is zoned R-E (Residential-Estate) and is improved with a single-family dwelling, detached garage and driveway. Exhibits (Exhs. 2, 4, 9, 10 and 11 (A) thru (F).

2. The existing dwelling is located approximately 100 feet from Willoughby Road, necessitating an elongated driveway to the existing garage to the left the lot slightly behind the house. Exhs. 2, 3 and 5 (A) thru (J).

3. Petitioner constructed a new 24.2 x 35.2 detached garage with a 140' x 40' driveway in the right-side yard abutting Lot 8. Exhs. 2, 3 and 5 (A) thru (J).

4. Department of Permitting, Inspection and Enforcement issued Correction Order January 14, 2019. Building Violation Notice No. 1683-19, was issued January 19, 2019, requiring Petitioner to "obtain the required permit(s) for work done or remove the same. Work includes but not limited to a detached garage and second driveway." Exhs. 6 and 7.

5. Petitioner David Winston testified that the new garage was installed over two years ago and the associated driveway is gravel. He stated that the garage is dedicated to protecting antique cars and storing yard equipment. Exhs. 2, 3 and 5 (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 need to protect antique vehicles and store yard equipment, the need for extended driveways 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, by majority vote, Ms. Anastasia Johnson absent, that a variance of 13.7% net lot coverage and waiver of the rear yard location requirement for an accessory building to validate a new detached garage and driveway and to obtain a building permit on the property located at Lot 7, Block 2, Brock Hall Subdivision, being 14500 Willoughby Road, Upper Marlboro, 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

(ORIGINAL SIGNED)

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 27-233(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.