

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

Petitioners: Bruce and Donna Harris

Appeal No.: V-74-19

Subject Property: Lot 1, Block C, McCahill Estates Subdivision, being 6413 McCahill Drive, Laurel,
Prince George's County, Maryland

Witnesses: Vernon Bell, Neighbor

Kenneth Harrison, Department of Permitting, Inspections and Enforcement (DPIE)

Heard: September 4, 2019; Decided: September 18, 2019

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, Petitioners request that the Board approve variances from Section 27-442(c)(Table II) which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. 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. Petitioners propose to validate an existing condition (dwelling) and construct an additional driveway. Variances of 1.6 % feet net lot coverage, a 1-foot side lot line setback for an accessory building (shed), 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 1964, contains 13,039 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, covered deck, driveway, carport, gravel parking pad and 2 accessory buildings (sheds). Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).

2. Petitioners would like to construct a second driveway to connect to an existing gravel pad. With the addition of the second driveway, a variance of 1.6% net lot coverage and a waiver of the parking area location requirement are requested. The larger shed is 1 foot from the rear property line and will require a variance for 1-foot rear yard depth. Exhs. 2, 4 (A) thru (F) and 20 (a) thru (d).

3. On March 26, 2019, a Correction Order was issued to Petitioners to obtain a permit for the additional driveway on the left side of the house. Exh. 5.

4. Petitioner Bruce Harris stated that he created the parking pad next to his house to park a 29-foot Recreational Vehicle (RV). He stated that Inspector Kenneth Harrison cited the Petitioner for having an illegal parking pad. Petitioner then applied for the requisite building permits and was advised that both a driveway and apron must be installed to access the parking pad. Consequently, he is now proposing that the

parking pad, second driveway and apron be approved to allow off-street parking of the RV. Exhs. 2, 4 (A) thru (F) and 20 (a) thru (d).

5. Mr. Harris further stated that the driveway on the right side of the home is problematic on which to park the RV because being on a corner lot, the RV would block the street view at the location of a stop sign and bus stop. The proposed parking pad and driveway would be located on the opposite side of the house where vehicular view will not be blocked. Because Petitioners' property is a corner lot, immediate street parking (at the corner) for the RV is unsuitable. He stated that the proposed driveway will be used only for the RV to access that parking pad. Exhs. 2, 4 (A) thru (F) and 20 (a) thru (d).

6. Vernon Bell, (6415 McCahill Drive) stated that he lives on the adjoining property on the left side of Petitioners where the RV would be parked. Mr. Bell stated that he is not in support of the proposal and suggested that the RV be parked in Petitioners' back yard which they can accessed from Gales Street. Mr. Bell further stated that the elevated parking pad is causing pooling of water on his property. Exhs. 17 (A) thru (G).

7. Bruce Harris responded that the parking pad is made of gravel and is pervious and he plans on putting in water drainage to lead water to the street.¹ Exhs. 2, 4 (A) thru (F) and 20 (a) thru (d).

8. Letters of support were submitted by other neighboring property owners. Exh. 18.

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 need to park a 29-foot recreational vehicle in a suitable area that will not block site views, stop sign or bus stop on a corner lot 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 1.6 % feet net lot coverage, a 1-foot side lot line setback for an accessory building (shed), and a waiver of the parking area location requirement in order to validate an existing condition (dwelling) and construct a driveway on the property located at 6413 McCahill Drive, Laurel, Prince George's County, Maryland, be and are hereby APPROVED.

Approval of the variance(s) is contingent upon development in compliance with the approved revised site plan, Exhibit 20 (a) thru (d).

¹ Mr. Harris stated he would provide a surface drain along the driveway and place plants between the parking pad and Mr. Bell's property. Exhs. 20 (a) thru (d).

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.