

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

Petitioner: Jerome Fitzgerald

Appeal No.: V-169-19

Subject Property Map: 0073, Grid 00B4, Parcel 0238, being 1313 Rollins Avenue, Capitol Heights,
Prince George's County, Maryland

Heard and Decided: February 19, 2020

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 requests that the Board approve variances from Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 60 feet from the front street line, generally be located only in the rear yard. Petitioner proposes to obtain a building permit for the construction of a proposed carport. Variances of 53 feet front street line setback 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 by deed in 2009, contains 41,382 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, and driveway. Exhibits (Exhs.) 2, 4, 5, 6, 9, 10 and 11 (A) thru (F).

2. The lot is extremely long at 422 feet in length. The land is heavily wooded and sloped in the rear of the lot. The front of the lot is flat and sharply angled with the dwelling similarly angled in in concert with the shape of the lot.

Exhs. 2, 4, 5, 6 and 7 (A) thru (J).

3. Petitioner proposes to obtain a building permit for the construction of a proposed carport. The accessory structure will be located on a flat area in front of the dwelling and will be only setback 7 feet from the front property line. As such, a variance of 53-feet front street line setback and a waiver of the rear yard location requirement are necessary. Exhs. 2, 4, 5, 6 and 7 (A) thru (J).

4. Mr. Jerome Fitzgerald explained that he would like to have a carport built to protect the cars from the falling branches and leaves (from the surrounding wooded area). Because of the topography of the rear yard being severely sloped, he opined that the only viable area to place the carport is in the front yard. Exhs. 2, 4, 5, 6 and 7 (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 odd shape of the lot, the existing angled location of the dwelling, the extreme topography (woods and slope) in the back yard, the only viable location for the carport is in the flat area in the front yard 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 variances of 53 feet front street line setback and a waiver of the rear yard location requirement for an accessory building in order to obtain a building permit for the construction of a proposed carport on the property located at 1313 Rollins Avenue, Capitol Heights, 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

By: _____

ORIGINAL SIGNED)

Bobbie S. Mack, Chairperson

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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.

