

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

Petitioner: Headley Bogle

Appeal No.: V-28-18

Subject Property: Lots 13 thru 19, Block 10, Columbia Highlands Subdivision, being 6211 Osborne Road, Landover, Prince George's County, Maryland

Heard: May 23, 2018; Decided: June 13, 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 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(c)(Table II), which prescribes that not more than 30% 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 30 feet from the side street line, 10 feet from the rear lot line and generally be located only in the rear yard; and Section 27-420(a), which prescribes that on a corner lot consisting of one (1) acre or less, fences and walls in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to validate existing conditions (existing development and accessory buildings) and construct a 6-foot wooden privacy fence in the side yard of a corner lot. Variances of 30.5% net lot coverage, 8 feet rear lot line setback for one accessory building (shed), 7 feet side street line and 8 feet rear lot line setbacks for a second accessory building (carport), 13 feet side street line setback and a waiver of the rear yard location requirement for a third accessory building (garage), and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Laurel Avenue) are requested.

Evidence Presented

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

1. The property was subdivided prior to 1908, contains 14,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, detached garage, detached carport, shed and driveway area. The property is a corner lot, with the dwelling facing the legal front street. The side street (Laurel Avenue) is unimproved. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).

2. Petitioner would like to construct a 6-foot wooden privacy fence along the side lot line along Laurel Avenue and the rear lot line. As the fence would be in the yard between the dwelling and the property line abutting a street, waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Laurel Avenue) were requested. Exhs. 2, 3, 4 (A) thru (F) and 12.

3. The existing development on the property exceeds the amount of lot coverage allowed, and the existing accessory buildings do not meet location requirements. Variances of 30.5% net lot coverage, 8 feet rear lot line setback for one accessory building (shed), 7 feet side street line and 8 feet rear lot line setbacks for a second accessory building (carport), and 13 feet side street line setback and a waiver of the rear yard

location requirement for a third accessory building (garage) were requested. Exhs. 2, 3, 4 (A) thru (F) and 12.

4. Petitioner explained that the County removed the 6-foot fence and accessory buildings (sheds), but did not remove the garage. He further explained that the side street (Laurel Avenue) is a paper (unimproved) street which dead ends at the rear of the property. Petitioner would like to replace the 6-foot fence, although, along the Laurel Avenue property line the front 56-feet will be a 4-foot tall fence and the remaining fence to the rear will be 6-feet. Petitioner has submitted a revised site plan demonstrating the current conditions of the site as well as the proposed fencing. See Exh. 19.

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 property being a corner lot (with the dwelling facing the legal front street), the side street (Laurel Avenue) being a paper (unimproved) street which dead ends at the rear of the property 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 22% net lot coverage, 13 feet side street line setback and a waiver of the rear yard location requirement for an accessory building (garage) in order to validate existing conditions (existing development and garage) and construct a 6-foot wooden privacy fence in the side yard of a corner lot on the property located at Lots 13 thru 19, Block 10, Columbia Highlands Subdivision, being 6211 Osborne Road, Landover, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 19 and approved elevation plans, Exhibits 3.

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.