

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

Petitioners: Everett and Leslie Turner

Appeal No.: V-64-18

Subject Property: Parcel 227, Map 123, Grid E-1, being 10009 Allentown Road, Fort Washington,  
Prince George's County, Maryland

Heard: July 25, 2018; Decided: August 29, 2018

Board Members Present and Voting: 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width; Section 27-442(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line; and 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 existing conditions (development, dwelling, shed, garage) and obtain a building permit for a driveway extension and detached garage in the front yard. Variances of 1 foot side yard width for the dwelling, 15.2% net lot coverage, 2 feet rear lot line setback for one accessory building, 2 feet side and rear lot line setbacks for a second accessory building, a waiver of the rear yard location requirement for a third accessory building and a waiver of the parking area location requirement are requested.

**Evidence Presented**

1. The property contains 11,634 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway, detached garage and two sheds. Exhibits (Exhs.) 2, 12, 13 and 14 (A) thru (F).

2. Although the property was created by deed prior to 1968, it was created as it exists today by deed in 1970 conveying 2,075 square feet of land to Prince George's County. The dwelling is situated towards the rear of the property. Exhs. 2, 4, 5, 6 and 7.

3. Petitioners would like to obtain a building permit for an 18' x 20' driveway extension and an 18' x 21' detached garage, located in front of the dwelling. As Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling, a waiver of the parking area location requirement was requested. Exhs. 2, 3, 7 (A) thru (H), 16 and 23 (A) thru (H).

4. The existing dwelling is located 7 feet from the side lot line and the development on the property exceeds the amount of lot coverage allowed. Variances of 1 foot side yard width for the dwelling and 15.2% net lot coverage were requested. Exhs. 2, 3, 7 (A) thru (H), 16 and 23 (A) thru (H).

5. One of the existing sheds is located along the rear lot line, a second shed is located along the side and rear lot lines and the detached garage is located in the front yard. Variances of 2 feet rear lot line setback for one accessory building, 2 feet side and rear lot line setbacks for a second accessory building and a waiver of the rear yard location requirement for a third accessory building were requested, respectively. Exhs. 2, 3, 7 (A) thru (H), 16 and 23 (A) thru (H).

6. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a Correction Order dated 3/1/2018, requiring Petitioners to "obtain a building permit driveway extension and accessory structures and obtain an electrical permit for accessory structure." Exhs. 8, 9 and 10

7. Petitioner Everett Turner testified the garage has been in the current location (in the front yard) for well over 20 years since he purchased the property in 1983. He explained that the original garage was replaced because it was destroyed by a storm and the replacement garage is in the exact location as the first garage. He further explained that the garage is located in the front yard because the house was built so far back on the lot. He stated there is insufficient space to drive around the house, much less locate the garage in either the rear or the side of the house. Exhs. 2, 3, 7 (A) thru (H) and 23 (A) thru (H).

8. He further testified that one shed (8' x 20') has been in its location for 14 years; the other shed, on the opposite side, has been in that location for 30 years. Exhs. 2, 3, 7 (A) thru (H) and 23 (A) thru (H).

#### 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 pre-existing location of the house and sheds on the lot for many years, the dwelling being situated to the rear of the lot, the most suitable space for the garage and driveway being in the front of the house 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, by majority vote, Ms. Bobbie Mack absent, that variances of 1 foot side yard width for the dwelling, 15.2% net lot coverage, 2 feet rear lot line setback for one accessory building, 2 feet side and rear lot line setbacks for a second accessory building, a waiver of the rear yard location requirement for a third accessory building and a waiver of the parking area location requirement on the property located at Parcel 227, Map 123, Grid E-1, being 10009 Allentown Road, Fort Washington, 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)  
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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.