

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

Petitioner: Nancy Holt

Appeal No.: V-76-18

Subject Property: Lot 7, Block C, Ashford Subdivision, being 4214 Farmer Place, Fort Washington,
Prince George's County, Maryland

Heard and Decided: August 29, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width and Section 27-442(i)(Table VIII), which prescribes that on corner lots accessory buildings shall be set back 30 feet from the side street line and generally be located only in the rear yard. Petitioner proposes to validate an existing condition (dwelling) and construct a detached garage. A variance of 3 feet side yard width for the dwelling and a variance of 13.7 feet side street line setback and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1972, contains 10,487 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. The property is located on a corner lot with the house facing the intersection predominately at Farmer Place. Exhs. 2 and 10 (A) thru (F).

3. Petitioner would like to construct a 12' x 27.7' detached garage atop existing driveway area, located next the dwelling. The garage would be located 16.3 feet from the side street line and in the side yard. A variance of 13.7 feet side street line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exhs. 2, 3, 5 (A) thru (H) and 11.

4. The existing deck on the rear of the dwelling is located 5 feet from the side lot line. A variance of 3 feet side yard depth was requested. Exhs. 2, 3, 5 (A) thru (H) and 11.

5. Petitioner Nancy Holt testified that she would like to install a 12' x 27.7' detached garage in the side/front of the property. The garage is an Amish built garage. She further testified that she does not have a back yard because the house is situated on an angle on a corner lot. In addition, she stated that the topography is a very steep incline from the side of the house to the rear property line (or legal side yard). She concluded that because of how the house is situated on the corner lot and the severe slope of the back yard, the only advantageous level location for the proposed garage is where it is proposed on the site plan. Exhs. 2, 5 (A) thru (H) and 6.

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 house being on a corner lot with the house facing the intersection, the topography being a very steep incline at the rear of the house (legal side 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, unanimously, that a variance of 3 feet side yard width for the dwelling and a variance of 13.7 feet side street line setback and a waiver of the rear yard location requirement for an accessory building in order to validate an existing condition (dwelling) and construct a 12' x 27.7' detached garage on the property located at Lot 7, Block C, Ashford Subdivision, being 4214 Farmer Place, 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)

Bobbie S. Mack, ChairpersonNOTICE

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.