

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

Petitioners: Eloise and Denvert Boney, Jr.

Appeal No.: V-89-18

Subject Property: Lot 16, Block K, Woodberry Forest Subdivision, being 6305 Cedell Court, Temple Hills,
Prince George's County, Maryland

Heard and Decided: September 12, 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, 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 and 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. Petitioners propose to validate an existing condition (dwelling) and obtain a permit for a new driveway extension. Variances of .65 foot side yard width and 11.7% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1964, contains 14,229 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is located on a cul-de-sac. Exhibits (Exhs.) 3, 8, 9 and 10 (A) thru (F).

2. Petitioners would like to obtain a building permit for a new 4' x 100'21' x 60' driveway extension into the rear yard. Construction of the driveway extension exceeded the amount of lot coverage allowed. A variance of 11.7% net lot coverage was requested. Exhs. 2, 3, 6 (A) thru (F).

3. The existing dwelling is located 7.35 feet from the side lot line. A variance of .65 foot side yard width was requested. Exhs. 3, 5 (A) thru (F) and 12.

4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a violation notice, dated October 28, 2017, requiring Petitioner to "Obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to extending the driveway." (Violation Notice) Exh. 6.

5. Petitioner Denvert Boney testified that he received the Violation Notice for constructing a driveway extension without a permit. He stated that the driveway was constructed in 2003. He further stated that the cul-de-sac on which he lives drastically limits the number of on-street parking and he needs additional parking spaces for his vehicles. Exhs. 3, 5 (A) thru (F) and 17 (A) thru (B).

6. Mr. Boney also stated that the subject property is pie shaped and very narrow in the front. He explained that the slope of the property on the right side would make it very difficult to build a driveway and would require construction of another driveway entrance. Exhs. 3, 5 (A) thru (F) and 17 (A) thru (B).

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 property being located on the arc of a cul-de-sac, the need for additional parking 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 .65 foot side yard width and 11.7% net lot coverage in order to validate an existing condition (dwelling) and obtain a permit for a new 4' x 100'21' x 60' driveway extension on the property located at Lot 16, Block K, Woodberry Forest Subdivision, being 6305 Cedell Court, Temple Hills, 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 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.