

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

Petitioners: Joseph Alexander and Kristen Coad

Appeal No.: V-90-18

Subject Property: Parcel 20, Tax Map53, Grid E2, being 4201 Enterprise Road, Bowie,
Prince George's County, Maryland

Witnesses: Gregory Henry, Neighbor

Robert Logan, Friend

Heard and Decided: September 26, 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(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard; 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 (driveway, shed) and obtain a building permit for a new driveway extension in the front yard. A variance of 15 feet front street line setback and a waiver of the rear yard location requirement for an accessory building and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property contains 150,282 square feet (3.43 acres), is zoned R-E (Residential-Estate) and is improved with a single-family dwelling, driveway, swimming pool and three sheds. Exhibits (Exhs.) 2, 9, 10 and 11 (A) thru (F).
2. The property was created, as it exists today, by deed in 1955 when property was conveyed to the State Roads Commission. Exhs. 4, 5 and 6.
3. Petitioners would like to validate and obtain a building permit for a 23' x 96' driveway extension in the 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, 7 (A) thru (K) and 12.

4. A 10' x 12' shed is located 45 feet from the front street line and is in the front yard. A variance of 15 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exhs. 2, 7 (A) thru (K) and 12.

5. Petitioner Joseph Alexander stated that the extension has already been installed in an area that was a "swampy grass." Exhs. 2 and 7 (A) thru (K).

6. Petitioner Kristen Coad explained that because the lot is located at the bottom of a hill, rain water runs down the hill into the subject property causing the area to become a swampy mud pit. She stated because the area was actually lower than the driveway, cars would become stuck in the mud and have to be towed out. She further explained that with the addition of the asphalt extension, the water problem no longer exists because the new pavement leads the water to the driveway and down into the street. Exhs. 2 and 7 (A) thru (K).

7. Gregory Henry, who lives at 4207 Enterprise Road, testified that he lives next door to the Petitioners on property which is at a higher elevation. He stated that the topography is such that the rain water runs downhill from his property to the subject property. He further testified that he has no objections to the additional pavement. Exhs. 2 and 7 (A) thru (K).

8. Robert Logan, who lives at 3520 Jeff Road, stated that when he has visited and parked in the subject area, mud is kicked everywhere causing a muddy mess. He informed the Board that he has had to be pulled out twice from the problem area and likewise has had to pulled out other vehicles. Exhs. 2 and 7 (A) thru (K).

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 topography of the property being located at the bottom of hill causing water to pool 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 a variance of 15 feet front street line setback and a waiver of the rear yard location requirement for an accessory building and a waiver of the parking area location requirement in order to validate existing conditions (driveway, shed) and obtain a building permit for a new driveway extension in the front yard on the property located at Parcel 20, Tax Map 53, Grid E2, being 4201 Enterprise Road, Bowie, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.

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.