

THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

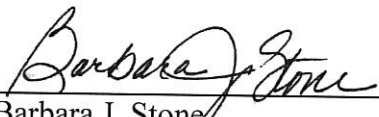
OF BOARD OF APPEALS

RE: Case No. V-97-18 Rodney Vaughn

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: September 26, 2018.

CERTIFICATE OF SERVICE

This is to certify that on October 24, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division

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

Petitioner: Rodney Vaughn

Appeal No.: V-97-18

Subject Property: Lots 4 thru 7, Block 15, Greater Capitol Heights Subdivision, being 5021 Emo Street,
Capitol Heights, Prince George's County, Maryland

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, 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 front yard at least 25 feet in depth; 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; and 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. Petitioner proposes to validate existing conditions (development) and construct a detached garage over existing driveway area. Variances of 4.2 feet front yard depth for the dwelling, 15.7% net lot coverage and a variance of 15.5 feet front 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 1909, contains 8,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioner would like to construct a 24' x 24' detached garage, which would be located about 44.5 feet from the front street line and be to the side of the dwelling. A variance of 15.5 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exhs. 2, 3, 5 (A) thru (F), 11 and 18.

3. Although the garage would be constructed over existing driveway area, the existing development on the property exceeds the amount of lot coverage allowed. A variance of 15.7% net lot coverage was requested. Exhs. 2, 3, 5 (A) thru (F), 11 and 18.

4. The existing enclosed porch on the front of the dwelling is located 20.8 feet from the front street line. A variance of 4.2 feet front yard depth was requested. Exhs. 2, 3, 5 (A) thru (F), 11 and 18.

5. Petitioner Mr. Rodney Vaughn stated that his property is located at the bottom of a hill on Emo Street where rain water from Emo Street runs downhill onto his property and into the basement which damages his walls and floors. He stressed that each time the water runs into the basement the walls and floor require replacement to prevent mold. Exhs. 2, 3, 5 (A) thru (F) and 18.

6. He believes that the garage, which will be used for his cars and home improvement equipment, in addition to the driveway pavement, will eliminate the water pooling in the yard. Exhs. 2, 3, 5 (A) thru (F) and 18.

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 slope of the street, the property being situated at the bottom of the hill, the flow of water down the street damaging Petitioners' 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 4.2 feet front yard depth for the dwelling, 15.7% net lot coverage and a variance of 15.5 feet front street line setback and a waiver of the rear yard location requirement for an accessory building in order to validate existing conditions (development) and construct a 24' x 24' detached garage over existing driveway area on the property located at Lots 4 thru 7, Block 15, Greater Capitol Heights Subdivision, being 5021 Emo Street, Capitol Heights, 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:


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.

SEAL:

PROJECT:
Best Built Barns and Sheds, Inc.
16010 Crain Hwy
Brandywine, MD 20613
PHONE: (301) 372-1119

TITLE:
24' WIDE GARAGE

DATE:
8-12-10

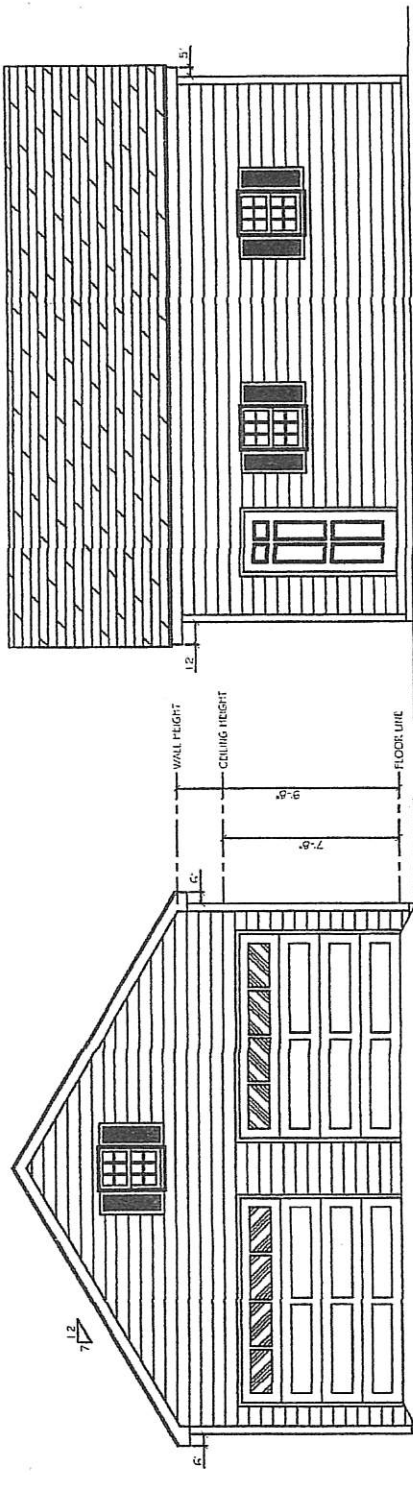
DRAWN BY:
E.S.

SCALE:
AS NOTED

SHEET:
3 OF 3

E231-10

A-3

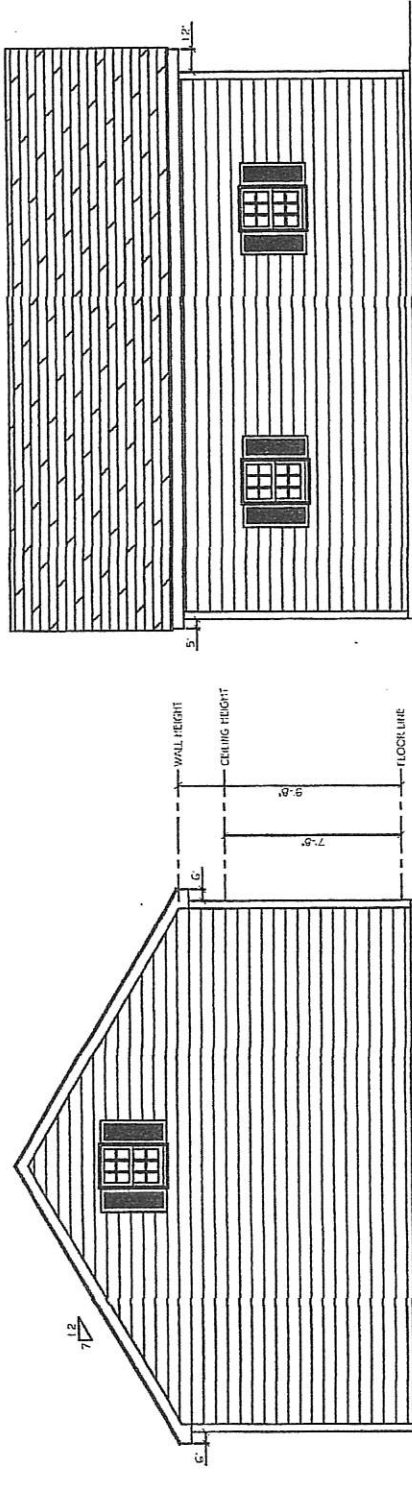


FRONT ELEVATION

SCALE: 1/8" = 1'-0"

RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"

LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



JOHN ESH
717-442-5053
DRAFTING CONCEPTS LLC
ARCHITECTURAL DRAFTING
DRAFTER: MAHIN STOLTZBUS

EXH. # 3
V-97-18