

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

Petitioners: Eduardo and Tina Mariano

Appeal No.: V-102-18

Subject Property: Lot 21, Block A, Baytomac Woods Subdivision, being 13703 Baytomac Farms Lane, Fort Washington, Prince George's County, Maryland

Heard and Decided: October 10, 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(i)(Table VIII), which prescribes that accessory buildings shall 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 an existing condition (sheds) and construct a detached carport and driveway extension in the front yard. Waivers of the rear yard location requirement for an accessory building and the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1976, contains 62,621 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and two sheds. The property is located within the Piscataway Development Review District as well as the Chesapeake Bay Critical Area Overlay (CBCA) Zone. Exhibits (Exhs.) 2, 4, 6, 8, 9 and 10 (A) thru (F).

2. The subject property is an odd shaped through lot having two legal front yards, being long with narrowing from Baytomac Farms Lane to the Schrader's View, which is a paper street. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).

3. The project site has been issued a Woodland Conservation Exemption Letter for the portion of the land located outside the Limited Development Overlay (LDO) of the Chesapeake Bay Critical Area Overlay Zone (CBCA) for the placement of the structure in the front yard area. Because no disturbance is proposed to the area within the CBCA, the proposal is within conformance with Subtitle 5B - Chesapeake Bay Critical Area of the County Code. The exemption letter exempts the project from the requirement of a tree conservation plan only for the area outside of the CBCA. The new garage will result in a limit of disturbance; however, it will not impact the CBCA. Exh. 19.

4. Petitioners would like to construct a 30' x 30' detached carport and 19' x 30' driveway extension in the front yard. 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 (a) thru (b), 5 (A) thru (F) and 12.

5. The proposed carport would be located in the front yard, along with two pre-existing sheds. A waiver of the rear yard location requirement for an accessory building was requested for these structures. Exhs. 2, 3 (a) thru (b), 5 (A) thru (F) and 12.

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 property being an odd shaped through lot, having two legal front yards, being within the Limited Development Overlay, Chesapeake Bay Critical Area Overlay Zone 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 waivers of the rear yard location requirement for an accessory building and the parking area location requirement in order to validate an existing condition (sheds) and construct a 30' x 30' detached carport and 19' x 30' driveway extension in the front yard on the property located at Lot 21, Block A, Baytomac Woods Subdivision, being 13703 Baytomac Farms Lane, 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 plans, Exhibits 3 (a) thru (b).

BOARD OF ZONING APPEALS

By: _____ (ORIGINAL SIGNED)

Albert C. Scott, Vice Chairman

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.