

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

Petitioner: Ronald Frazier

Appeal No.: V-121-18

Subject Property: Lot 1, Block 9, Marlboro Meadows Subdivision, being 16101 Village Drive West, Upper Marlboro, Prince George's County, Maryland

Witnesses: Allison Scott Frazier, Wife of Petitioner

David Rone, Contractor

Heard: November 14, 2018; Decided: November 28, 2018

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 a variance 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 a variance 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. Petitioner proposes to construct an attached garage, with a second-floor addition, and a driveway extension. A variance of 2 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 1965, contains 10,044 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioner would like to construct a 14' x 38' attached garage, with a second-floor addition, and a 6' x 10' driveway extension. As the garage addition would be located 6 feet from the side lot line at the closest point, a variance of 2 feet side yard width was requested. Exhibits 2, 3 and 5 (A) thru (L).

3. Petitioner Ronald Frazier explained that the attached garage, with a second-floor addition, will include an extension to the driveway length and width. He stated that if the garage was reduced to meet the setback, it would impede any practical use of the garage. In addition, he stated that because the driveway must be (the standard) 10 feet in width, the garage will have at least a 10-foot opening and an additional 2 feet on each side to support the structure. Exhibits 2, 3, 5 (A) thru (L) and 18.

4. Mr. Frazier further explained that due to the topography (an uphill slope from front to rear) excavation will be needed to level the grade for the garage and the addition. The second story addition will have essentially the same roof line as the existing roof line of the dwelling but will be a little lower in height. He stated that the garage height will be 8 feet and the second level will be 10 feet.

5. Mr. Frazier stated that the purpose for the addition is to provide living space for an aging parent. He believes that the addition will not be out of character as the house next door has a double garage. Exhibits 2, 3, 5 (A) thru (L) 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 existing driveway width not meeting the standard 10 feet width required by Dpie, the garage having a 10-foot door opening to connect cleanly with the driveway with an additional 2 feet on each side for structural support, the addition needed to accommodate an aging parent 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, by majority vote, Ms. Anastasia Johnson absent, that a variance of 2 feet side yard width in order to construct a 14' x 38' attached garage, with a second-floor addition, and a 6' x 10' driveway extension on the property located at Lot 1, Block 9, Marlboro Meadows Subdivision, being 16101 Village Drive West, Upper Marlboro, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 18 and approved elevation 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.