

*NOTICE OF FINAL DECISION*


*OF BOARD OF APPEALS*

RE: Case No. V-194-07 William Jackson

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: December 12, 2007.

**CERTIFICATE OF SERVICE**

This is to certify that on February 6, 2008, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
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Anne F. Carter  
Administrator

cc: Petitioner  
Adjoining Property Owners  
DER, Building Code Official, Permit & Review Div.  
DER, Licenses & Inspections Div.  
M-NCPPC, Permit Review Section

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

Petitioner: William Jackson

Appeal No.: V-194-07

Subject Property: Lot 23, Block C, Rambling Hills Subdivision, being 1214 Pickering Circle, Upper Marlboro, Prince George's County, Maryland

Heard and Decided: December 12, 2007

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(i)(Table VIII) of the Zoning Ordinance, which prescribes that accessory buildings shall be set back 2 feet from any side lot line and generally be located only in the rear yard. Petitioner proposes to validate and obtain a building permit for a new shed. A variance of 1 foot side lot line setback and a waiver of the rear yard location requirement for the existing shed are requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 17,452 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed.
2. Petitioner would like to validate a 12' x 24' shed located in the right side yard at the end of the driveway. Since the shed is located 1 foot from the side lot line and is not located in the rear yard, a variance of 1 foot side lot line setback and a waiver of the rear yard location requirement were requested.
3. Petitioner stated that at the time a new patio cover put up by a contractor was being inspected, the County Inspector informed him that a permit was required for the shed since it exceeds 150 square feet. Petitioner testified that he had torn down a 10' x 12' shed and was replacing it with the 12' x 24' shed in the same location. Petitioner stated that he applied for a building permit and was informed that a variance was needed for the location of the shed.
4. Petitioner further testified that he has lived at the property for 26 years. He explained that it would be difficult to move the shed farther back on the property because the entire rear yard is a hill. See Exhibit 7(F-H). He stated that the larger new shed extends one foot closer to the property line than the previous shed.
5. Largo Civic Association made no comment on the request.

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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the sloping topography of the rear yard, other existing conditions on the property, a larger shed replacing a smaller shed in the same location on the 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 a variance of 1 foot side lot line setback and a waiver of the rear yard location requirement in order to validate and obtain a building permit for the existing shed for a new shed on the property located at Lot 23, Block C, Rambling Hills Subdivision, being 1214 Pickering Circle, Upper Marlboro, 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, and the approved elevation plan, Exhibit 4.

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.