

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-199-07 Jasper Taylor

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: January 16, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on February 12, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
DER, Building Code Official, Permit & Review 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: Jasper Taylor

Appeal No.: V-199-07

Subject Property: Lot 80, Block E, Fox Run Estates Subdivision, being 9304 Foxcroft Avenue, Clinton,
Prince George's County, Maryland

Heard and Decided: January 16, 2008

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 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 enlarge an existing attached garage and widen an existing driveway. A variance of 6 feet side yard width is requested.

Evidence Presented

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

1. The property was subdivided in 1977, contains 9,600 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed.
2. The existing dwelling was built in 1985 (Exhibit 6). The existing structural footprint of the house is not centered on the lot (Exhibit 2).
3. Petitioner would like to construct an 8' x 24' addition on one side of the existing attached one-car garage and a 7' x 28' driveway extension to access the proposed wider two-car garage. Since the garage addition would be located 2 feet from the side lot line, a variance of 6 feet side yard width was requested.
4. Petitioner testified that he has lived at the property for 15 years. He stated that he spoke with his neighbor, Mary MacDaniels, next to the proposed garage extension and that she has no problem with his request. He further testified about several garages in the immediate neighborhood at least as large as his proposed two-car garage. He explained that the entire garage will have vinyl siding that matches the house.

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 conditions on the property, the structural footprint of the dwelling not being centered on the lot, 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 6 feet side yard width in order to enlarge an existing attached garage and widen an existing driveway on the property located at Lot 80, Block E, Fox Run Estates Subdivision, being 9304 Foxcroft Avenue, Clinton, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, 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.