

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-121-08 Ronnie Reaves & Mi-Reta Reaves Oburota

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 7, 2009 .

**CERTIFICATE OF SERVICE**

This is to certify that on February 17, 2009 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed) \_\_\_\_\_

Anne F. Carter

Administrator

cc: Petitioners  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DER, Building Code Official, Permit & Review Div.  
Piscataway Hills Citizens Association

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

Petitioners: Ronnie Reaves & Mi-Reta Reaves Oburota

Appeal No.: V-121-08

Subject Property: Lot 251, Piscataway Hills Subdivision, being 415 Pine Road, Fort Washington,  
Prince George's County, Maryland

Heard and Decided: January 7, 2009

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, Petitioners request that the Board approve a variance from Section 27-442(i)(Table VIII) of the Zoning Ordinance, which prescribes that accessory buildings shall generally be located only in the rear yard. Petitioners propose to construct a detached garage and extend an existing driveway. A waiver of the rear yard location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1989, contains 157,014 square feet (3.6040 acres) (including flood plain), is zoned R-E (Residential-Estate) and is improved with a single-family dwelling and driveway. The existing house was built in 1991. See Exhibits ("Exhs.") 2, 4 & 6.
2. The property is a flag lot, with the house constructed at an angle to the front street line. A flood plain area is located on the left side of the lot and in the extreme right rear corner of the lot. See Exh. 2.
3. The existing driveway leading to the house becomes circular more than 400 feet back from the street line with a 50-foot extension off the circular portion accessing an existing attached garage. See Exhs. 2, 4 & 7.
4. Petitioners would like to construct a 36' x 36' detached garage and construct a second extension off the existing circular portion of the driveway to access the new garage. Because the detached garage is proposed to be located in the side yard, a waiver of the rear yard location requirement for an accessory building was requested.
5. Petitioner Mi-Reta R. Oburota testified that the subject lot is heavily wooded and a slope located behind the house precludes construction of the garage in the rear of the house.
6. She explained that the proposed garage is needed for protected storage of vehicles and equipment used for property maintenance.

7. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request with regard to the description of the property contained on the record plat of subdivision for Piscataway Hills (NLP 148 @ 1958 – Lot 251). The Subdivision Section stated that the requested variance is not in conflict with the subject record plat because the proposed building development is located behind each of the three existing building restriction lines shown on the plat. See Exh. 15.

#### 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 property being a flag lot, the sloping topography of the property, the property being heavily wooded, the existing house not facing the street, the house being located at the edge of a steep slope in the rear yard near flood plain buffer area, the house and proposed garage being set back so far from the street, the need for protected parking for vehicles needed for property maintenance, 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. Johnson absent, that a waiver of the rear yard location requirement in order to construct a detached garage and extend an existing driveway on the property located at Lot 251, Piscataway Hills Subdivision, being 415 Pine Road, Fort Washington, 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 the approved elevation plans, Exhibit 3(a)&(b).

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.