

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-122-08 Carleton Dunston

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 21, 2009 .

CERTIFICATE OF SERVICE

This is to certify that on February 4, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DER, Building Code Official, Permit & Review Div.
Pepper Mill Village Civic Association

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

Petitioner: Carleton Dunston

Appeal No.: V-122-08

Subject Property: Lot 24, Block G, Pepper Mill Village Subdivision, being 131 Canyon Place,
Capitol Heights, Prince George's County, Maryland

Heard and Decided: January 21, 2009

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(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to construct a one-story addition, attached garage and driveway extension. A variance of 9.8% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1956, contains 7,651 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, two-car parking pad and shed. The property was developed in 1960. See Exhibits ("Exhs.") 2, 4 & 6.
2. Petitioner would like to construct a one-story addition and attached garage on the back of the existing house. He would also like to extend the side of the parking pad that is not in front of the house so that the entire driveway will extend along the right side of the house and access the new garage on the back of the house. Construction of the proposed improvements will cause the allowed amount of net lot coverage to be exceeded on the property and a variance of 9.8% net lot coverage was requested in order to obtain a building permit for the proposed improvements.
3. Petitioner testified that since there is insufficient space on either side of the house to build a two-car garage, he would like to build the proposed garage behind the house, attached to a proposed 10' x 10' addition that would allow him to expand his kitchen. He stated that he has three vehicles for which the garage would provide secure parking away from the street. He further stated that the street curves in front of his house and his truck has been struck while parked on the street.
4. Petitioner further testified that there are other garages in rear yards in the neighborhood, but they are detached and are able to be located straight back from the street.

5. Petitioner agreed to remove a portion (approximately 131 square feet) of the existing driveway located directly in front of the house and the site plan was revised to show removal of that driveway area. See Exhs. 8 & 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 narrowness of both side yards, the property being located where the street curves, the need for more kitchen space and secure parking away from traffic, a driveway reaching the rear yard comprising a large amount of lot coverage, 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 8.1% net lot coverage in order to construct a one-story addition, attached garage and driveway extension on the property located at Lot 24, Block G, Pepper Mill Village Subdivision, being 131 Canyon Place, Capitol Heights, 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 15, and the approved elevation plans, Exhibit 3(a)-(c).

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.