


NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-195-07 Cindy Blassingame

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: February 27, 2008.

CERTIFICATE OF SERVICE

This is to certify that on March 14, 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: Cindy Blassingame

Appeal No.: V-195-07

Subject Property: Lot 2, Block A, Hillcrest Heights Subdivision, being 2606 Colebrooke Drive, Temple Hills, Prince George's County, Maryland

Witness: Herbert Bradley, Husband of Petitioner

Heard: December 12, 2007; Decided: February 27, 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 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 8 feet in width; Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side lot line. Petitioner proposes to validate existing conditions and construct a detached garage/shed and extend an existing driveway. Variances of 1 foot front yard depth, 1 foot side yard width, 17% net lot coverage and 1 foot side lot line setback for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1946, contains 7,200 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The existing house was built in 1948 (Exhibit 6).
2. Petitioner would like to construct a 13' x 24'⁹/₉' x 13' L-shaped detached garage/shed in the left rear corner of the property and extend an existing driveway. To obtain a building permit to construct the building, existing conditions on the property must be validated. Since the allowed amount of lot coverage is already exceeded by existing development on the property, construction of the proposed garage/shed and additional driveway area would cause a further overage. A variance of 17% net lot coverage was requested. In addition, because the existing covered front porch is located 24 feet from the front street line and the house is located 7 feet from the side lot line, variances of 1 foot front yard depth and 1 foot side yard width were requested.

3. The submitted site plan (Exhibit 2) indicates that the proposed garage/shed would be located 1 foot from the side lot line instead of the legally required 2 feet. A variance of 1 foot side lot line setback for an accessory building was, therefore, requested.

4. Petitioner testified that her husband, a plumber for 50 years, would store his work materials in the new building and they would also store things accumulated during her military career, a motorcycle and lawn equipment in the garage/shed.

5. Petitioner further testified that the existing shed and wooden frame patio will be removed from the property.

6. Mr. Herbert Bradley testified that every house on Petitioner’s side of the street has a driveway.

7. Petitioner testified that garages have been added to a number of neighborhood properties.

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 house being built in 1948, the existing conditions on the property, the need for a larger accessory structure to increase storage space, the existing driveway needing to be extended to access the rear yard, the existing shed and wood frame patio being removed from 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 variances of 1 foot front yard depth, 1 foot side yard width, 17% net lot coverage and 1 foot side lot line setback for an accessory building in order to validate existing conditions and construct a detached garage/shed and extend an existing driveway on the property located at Lot 2, Block A, Hillcrest Heights Subdivision, being 2606 Colebrooke Drive, Temple Hills, 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 2, and the approved revised elevation plan, Exhibit 13.

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.