

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No.           V-20-11 Andrew Brown & Elizabeth Allgood          

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: April 20, 2011.

**CERTIFICATE OF SERVICE**

This is to certify that on May 2, 2011, 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, Permits & Review Group  
Town of Riverdale Park

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

Petitioners: Andrew Brown & Elizabeth Allgood

Appeal No.: V-20-11

Subject Property: Lot 25, Block 4, Riverdale Park Subdivision, being 6407 46th Avenue, Riverdale Park,  
Prince George's County, Maryland

Municipality: Town of Riverdale Park

Heard: April 6, 2011; Decided: April 20, 2011

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, Petitioners request 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 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. Petitioners propose to validate existing conditions and construct a detached garage. Variances of 9 feet front yard depth and 14% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1904, contains 5,528 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and unimproved driveway. See Exhibits ("Exhs.") 3, 5, 8-9. The property was improved with a single-family dwelling in 1929. See Exh. 8.
2. The property is extremely narrow, being only slightly more than 40 feet in width. See Exh. 3.
3. Petitioners would like to construct a detached 14' x 30' garage in the rear yard, but variances are needed to obtain a building permit. Since the covered front porch is located only 16 feet from the front street line and construction of the garage, together with the unimproved driveway, causes the maximum allowed amount of net lot coverage to be exceeded, variances of 9 feet front yard depth and 14% net lot coverage were requested. See Exh. 12.
4. Petitioners explained that they purchased the property in 2008 as a foreclosure property and have steadily improved it, renovating the basement and adding a screened porch at the rear in 2010. They stated that the addition of the screened porch increased net lot coverage to 29.2%, preventing the addition of the proposed garage without a variance. It was further explained that a large amount of the net lot coverage consists of the unpaved driveway and they propose to finish the driveway in water-permeable,

grass-growing paving block. They pointed out that construction of the garage over the existing driveway is impractical since there is a clearance of only 10.6 feet to the property line. See Exh. 2, p.1.

5. Petitioners stated that the lack of a garage causes great inconvenience for several reasons. Mr. Brown is a hobby woodworker and the noise, dust and fumes of working in the house are unhealthy. He is also the owner of a classic automobile, which is highly susceptible to rust. See Exh. 2, p.1.

6. Petitioners believe that the proposed garage will blend with neighborhood structures as there are many large outbuildings on the surrounding blocks and each of the adjoining properties has an exterior garage. See Exh. 2, p. 2 and photos D-G. It was stated that there is ample open space near the property because of parkland on two sides and the neighbors to the north have comparatively deep lots with the houses at least 60 feet from the property line. See Exh. 2, p. 2 and photo A.

7. The Town of Riverdale Park supported Petitioners' request with two conditions: (1) the driveway must be of permeable pavement or employ pavers or concrete strips with vegetation interspersed to capture runoff, and (2) one or more rain barrels shall be installed sufficient to capture the full amount of runoff coming off the roof during an average storm event, and/or a rain garden sufficient to do so shall be installed. See Exh. 16.

#### 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 property being subdivided in 1904, the extreme narrowness of the property, the house being built in 1929, the front porch not meeting the current front yard setback requirement, a large amount of the total net lot coverage consisting of the driveway area which is needed to access a detached garage behind the house, a driveway with improved permeability being proposed, the need to keep unhealthy fumes and dust from woodworking outside the house, the need for dry and safe storage space for a restored classic automobile, there being many large outbuildings on surrounding blocks, the large amount of vacant space around 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 9 feet front yard depth and 14% net lot coverage in order to validate existing conditions and construct a 14' x 30' detached garage on the property located at Lot 25, Block 4, Riverdale Park Subdivision, being 6407 46th Avenue, Riverdale Park, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is

