

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-30-08 Anthony & Jannie Ferrell

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 23, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on May 5, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

cc: Petitioners
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

Petitioners: Anthony & Jannie Ferrell

Appeal No.: V-30-08

Subject Property: Lot 2B, Block A, Henson Manor Subdivision, being 4113 Henson Lane, Temple Hills,
Prince George's County, Maryland

Heard and Decided: April 23, 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, Petitioners request 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 rear yard at least 20 feet in depth/width. Petitioners propose to construct a new single-family dwelling and driveway. A variance of 12 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 2007, contains 11,973 square feet, is zoned R-80 (One-Family Detached Residential) and is vacant land proposed to be improved with a single-family dwelling and driveway (Exhibits 2 & 7).
2. The property is an odd-shaped corner lot located at the intersection of Henson Lane and Temple Hills Road, with the proposed structure facing Henson Lane, the legal side street (Exhibits 2, 4 & 8).
3. Petitioners would like to construct a single-family dwelling, with an attached two-car garage, and a driveway on the property. The new house would have a 2,970-square-foot footprint. Since the side of the house with the attached garage would be located only 8 feet from the rear lot line, a variance of 12 feet rear yard depth/width was requested.
4. Petitioner Anthony Ferrell testified that he has owned the property for 17 years, his tax bill has always listed the subject property's address as being on Henson Lane (Exhibit 12), and he was under the impression that the front of the property was along Henson Lane. Mr. Ferrell stated that he also owns adjoining property on Henson Lane, went through a lengthy subdivision process, decided on the proposed structural footprint for the new house on the subject lot in July-August 2007 and then was informed [by the Permit Review Section] of the need for a variance only one month prior to the hearing before the Board on the subject request. See Exhibits 4 & 6. He stated that a lot line adjustment between the two adjoining lots would result in the need for a variance to validate the existing house on the other lot.

5. Mr. Ferrell testified that he plans to build the proposed house to serve as his principal residence. He stated that he has already spent a lot of time and money on the project and may lose his loan if he is unable to start construction soon. Mr. Ferrell further stated that he also needs the new house constructed soon because his family is growing and his children need more living space.

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 property being a corner lot, tax records listing the subject property's address as being on the legal side street, the proposed house facing the legal side street, the property having been part of a recent resubdivision, Petitioners not being informed of the property's legal front until after the subdivision was approved, the legal rear yard being to one side of rather than behind the proposed house, the location of the existing house on the adjoining lot in relation to the shared property line, the proposed house containing the amount of living space needed by Petitioners for their growing family, 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 a variance of 12 feet rear yard depth/width in order to construct a new single-family dwelling and driveway on the property located at Lot 2B, Block A, Henson Manor Subdivision, being 4113 Henson Lane, Temple Hills, 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(a)-(c), 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.