

NOTICE OF FINAL DECISION

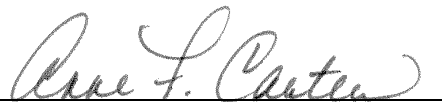
OF BOARD OF APPEALS

RE: Case No. V-32-08 Jasper Reed, Jr., et al.

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: May 7, 2008.

CERTIFICATE OF SERVICE

This is to certify that on May 27, 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

Petitioners: Jasper Reed, Jr., et al.

Appeal No.: V-32-08

Subject Property: Lots 31 & 32, Block C, Ardmore Subdivision, being 4823 Jefferson Street, Lanham,
Prince George's County, Maryland

Heard and Decided: May 7, 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, 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 25% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition and construct a detached garage and driveway extension. Variances of 7 feet front yard depth and 1.7% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1908, contains 17,000 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Petitioners own two adjoining lots (Lots 31 & 32) which make up the entire subject property. The existing house was built in 1922 on Lot 31. The lot is ordinary. See Exhibits 2, 4 & 8.
2. Petitioners would like to construct a detached, three-car garage (40' x 24') and extend the existing driveway. The garage would be constructed in the rear yard and an additional 1690 square feet of driveway area would be added to access the new garage. See Exhibits 2 & 10. Construction of the proposed garage and driveway would cause the allowed amount of lot coverage to be exceeded and a variance of 1.7% net lot coverage was requested.
3. Petitioners' site plan (Exhibit 2) indicates that an existing screened porch on the front of the house is located only 18 feet (and the house itself is only 24 feet) from the front street line. A variance of 7 feet front yard depth was requested to validate the location of the existing house (and porch).
4. All existing structures except the driveway are located on Lot 31. The proposed garage would be located behind the house on Lot 31, but most of the proposed driveway extension would be located on Lot 32.
5. Petitioners constructed an addition on the rear of the house. See Exhibit 7.

6. Petitioner Jasper Reed testified that the house is very old, small and contains little storage space. He proposed to build a 3-car garage, dedicating one car space for needed tool storage. Mr. Reed explained that the addition he built did not alter the footprint of the house, but because both the addition and garage were on the same permit application, the need for a variance emerged for the garage and driveway preventing him from being able to obtain the permit.

7. Upon being informed by the Board that no variance for net lot coverage would be necessary if the garage were built 22 feet closer to the house, Mr. Reed testified that he was willing to modify his development plan to locate the garage closer to the house to comply with net lot coverage regulations.

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 do not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioners' lot has no exceptional topography or other conditions peculiar to the property. The Board further finds that the lot is regular in its size and shape and no testimonial or evidence of any extraordinary situation or uniqueness of the lot was presented. See, Exhibits 2, 4 & 5.
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.
3. The Board notes that Petitioner Reed admitted that the garage could be constructed closer to the house, thereby negating the need for a variance.

BE IT THEREFORE RESOLVED, unanimously, that variances of 7 feet front yard depth and 1.7% net lot coverage in order to validate an existing condition and construct a detached garage and driveway extension on the property located at Lots 31 & 32, Block C, Ardmore Subdivision, being 4823 Jefferson Street, Lanham, Prince George's County, Maryland, be and are hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.