


NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-39-08 Frank & Linda Taylor

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 21, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on June 2, 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
Beacon Heights Citizens Association

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

Petitioners: Frank & Linda Taylor

Appeal No.: V-39-08

Subject Property: Lot 59, Block J, Beacon Heights Subdivision, being 6606 Furman Court, Riverdale,
Prince George's County, Maryland

Heard and Decided: May 21, 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(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. Petitioners propose to construct a detached garage and additional driveway area. A variance of 19.7% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1962, contains 9,600 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The existing house was built in 1963. See Exhibits 3, 5 & 7.
2. The property is located at the entrance to a cul-de-sac and has an irregular shape, having an angled rear property line which causes the right side of the rear yard to be much shallower than the left side. A 15-foot-wide drainage easement crosses the far rear of the property. See Exhibits 3, 5 & 8.
3. Petitioners would like to construct a 26' x 39' detached garage and extend the existing driveway into the rear yard. Construction of the garage and additional parking area would cause the allowed amount of lot coverage to be exceeded and a variance of 19.7% net lot coverage was requested.
4. Petitioner Frank Taylor testified that they have lived at the property since 1972, Furman Court is crowded with parked vehicles, they need the proposed garage to store vehicles and it would be difficult to locate the garage in another area of the property. See also Exhibit 2. Mr. Taylor further testified that the large amount of driveway area is needed to maneuver the large vehicles.

5. Petitioners further testified that they have suffered numerous vehicle break-ins and have had two vehicles stolen despite installation of multiple vehicle alarms, an infrared camera, a driveway alert and a security light. Petitioners explained that the garage will have siding and roof shingles to match the house and intend to install a six-foot privacy fence around the rear yard. See Exhibit 2 and Attachment ("Att.") 1 thereto.

6. Chris and Flora Taylor, owners of property adjoining the subject property, opposed the variance unless Petitioners fenced in their backyard. See Exhibit 13.

7. The Beacon Heights Citizens Association had no objection to the request (Exhibit 2, Att. 2).

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 irregular shape of the property, the angle of the rear property line causing one side of the rear yard to be much more shallow than the other side, the property being located at the entrance to a cul-de-sac, the existing conditions on the property, the existence of a 15-foot-wide drainage easement across the rear of the property, Petitioners' history of vehicular thefts/break-ins, a larger driveway being needed for maneuverability of larger vehicles, Petitioners planning to install a six-foot privacy fence around the rear yard, 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, by majority vote, Ms. Mack in the minority, that a variance of 19.7% net lot coverage in order to construct a 26' x 39' detached garage and additional driveway area on the property located at Lot 59, Block J, Beacon Heights Subdivision, being 6606 Furman Court, Riverdale, 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 3, and the approved elevation plan, Exhibit 4.

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.