

*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-50-11 Sonja Jones

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: July 20, 2011.

**CERTIFICATE OF SERVICE**

This is to certify that on August 5, 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: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DER/Building Code Official, Permits & Review Group  
Other Interested Parties

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

Petitioner: Sonja Jones

Appeal No.: V-50-11

Subject Property: Lot 3, Block C, Barnaby Manor Oaks Subdivision, being 5010 Leland Drive, Oxon Hill,  
Prince George's County, Maryland

Witnesses: Jack Lyle, architect

Robert Ritchie, Petitioner's companion

Heard: July 6, 2011; Decided: July 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 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, Petitioner requests that the Board approve a variance from 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. Petitioner proposes to construct a 4-car detached garage and driveway extension. A variance of 9.6% net lot coverage was requested.

Evidence Presented

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

1. The property was subdivided in 1960, contains 18,988 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, two driveways and shed. See Exhibits ("Exhs.") 4, 8-9, 19. The property was improved with a single-family dwelling in 1961. See Exh. 9.
2. The width of the lot is 80 feet. See Exh 19.
3. Petitioner would like to construct a 24' x 48' 4-car detached garage and a 1,861-square-foot driveway extension, but a variance is necessary before obtaining a building permit. Because construction of the garage and driveway extension would cause the allowed amount of net lot coverage to be exceeded, a variance of 9.6% net lot coverage was initially requested. See Exhs. 2, 11-12. Petitioner revised the site plan to reflect that the garage would be farther forward on the lot and the size of the driveway extension would be reduced to 1,592 square feet. See Exh. 19. With the revisions, a variance of 8.2% net lot coverage is necessary. See Exh. 20.
4. Petitioner testified that she and her son collect antique cars and need the garage for car storage and protection and for additional storage space. See Exhs. 5(A) & (B). She stated that she previously built an addition onto the house and there is no homeowners association in the community.
5. Robert Ritchie testified that the cars are now parked directly behind the house. See Exhs. 5(B), 6, 10(B)-(F). He stated that the garage is proposed to be built in the back of the yard because if the garage were built in the middle of the yard, there would be less open space and the grass behind the garage would become neglected. He explained that there is currently a shed and concrete basketball court in the rear yard that would be removed and replaced by the proposed garage. See Exhs. 5(A) & (B), 10(B) & (D), 19.

6. Jack Lyle, Petitioner's architect, testified that the proposed garage would have a facade to match the existing house and the attic trusses to be used in the garage will accommodate storage area in the top 6-8 feet of the garage, but the height of the garage will not exceed the allowed 15-foot height maximum. See Exh. 3. He explained that the design of the garage is such that this storage area could not be made habitable.

7. Mr. Ritchie further testified that the neighbor to the rear has a 3-car detached garage next to the fence and also has a separate 2-car garage. See Exhs. 5(A) & (B), 6. He stated that the subject lot is lower than other lots.

8. A fence is to be constructed to block off the 26' x 50' macadam storm water drainage area next to the driveway to ensure that the drainage area is not used for parking. See Exh. 19.

#### 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 need for protected parking for antique cars and additional storage space, there being insufficient space in either side yard for construction of an attached garage because of the widths of the lot and the existing house, a fence being erected to prevent parking on an existing macadam storm water drainage area directly behind the existing house, Petitioner's cars now being parked on that macadam drainage area, an existing shed and concrete basketball court being removed from the rear yard and the garage being built in place of the shed and concrete area, the existing driveway needing to be extended to access the proposed detached garage, 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 a variance of 8.2% net lot coverage in order to construct a 24' x 48' 4-car detached garage and a 1,592 square foot driveway extension on the property located at Lot 3, Block C, Barnaby Manor Oaks Subdivision, being 5010 Leland Drive, Oxon Hill, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 19, and the approved elevation plan, Exhibit 3.

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.