

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-5-10 Ferman Richardson

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: February 24, 2010.

CERTIFICATE OF SERVICE

This is to certify that on March 8, 2010, 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 Div.

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

Petitioner: Ferman Richardson

Appeal No.: V-5-10

Subject Property: Lots 27 & 28, Block 56, Bradbury Heights Subdivision, being 4205 Quinn Street
(formerly 4357 Southern Avenue), Capitol Heights, Prince George's County,
Maryland

Heard and Decided: February 24, 2010

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, Petitioner requests that the Board approve variances from Section 27-442(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(d)(Table III), which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line; and Section 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate existing conditions and construct a new single-family dwelling and driveway. Variances of 1,000 square feet net lot area, 10 feet front building line width and a waiver of the parking area requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1909, contains 4,000 square feet, is zoned R-55 (One-Family Detached Residential) and is vacant land proposed to be improved with a single-family dwelling and driveway. See Exhibits ("Exhs.") 2, 4, 8.
2. The building lot is made up of two zoning lots which are each 20' x 100'. See Exhs. 2, 4.
3. Petitioner would like to construct a 24' x 29' two-story dwelling, with basement, and driveway on the property, but variances are needed prior to obtaining a building permit. See Exhs. 2, 3. Since the property does not meet the minimum lot size of 5,000 square feet or the 50 foot front building line width requirement, variances of 1,000 square feet net lot area and 10 feet front building line width were requested. In addition, since a portion of the proposed driveway would be located in the area of the front

yard prohibited by Section 27-120.01(c), a waiver of the parking area requirement was requested. See Exh. 11.

4. Petitioner recently purchased Lots 27 & 28. See Exhs. 4, 6, 8, 8A. Petitioner believed that since other houses in the neighborhood were on two lots, he could likewise build a house on his lots. See Exh. 9. Photographs of houses on the same block built on two lots of the same size as Petitioners' were submitted into the record. See Exhs. 19(B)-(H). He explained that once he learned that his property was too small, he inquired about purchasing adjoining land, but was unsuccessful.

5. Petitioner further testified that he intends to remove an old overgrown driveway in the front yard, but that a portion of his proposed new driveway will have to be in front of the house because of the location of a driveway apron. See Exhs. 2, 7(A)-(C). He explained that the apron is located directly in front of the house and relocation of the apron is prevented by the location of a telephone pole, tree and sewer pipe. See Exhs. 2, 7(A)-(C).

6. Petitioner stated that many of the houses on his block have two stories, including one on adjoining property. See Exhs. 19(B)-(D)(F)-(H).

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 the property being subdivided in 1909, the narrowness of the property, the dimensions of the property, same-sized lots on the same block being developed with detached single-family dwellings, a number of the houses on the same block having two stories, there being an existing driveway apron directly in front of the house, relocation of the apron being prevented by the location of a telephone pole, a tree and sewer pipe, 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 variances of 1,000 square feet net lot area, 10 feet front building line width and a waiver of the parking area requirement in order to validate existing conditions and construct a new single-family dwelling and driveway on the property located at Lots 27 & 28, Block 56, Bradbury Heights Subdivision, being 4205 Quinn Street (formerly 4357 Southern Avenue), Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the

variances is contingent upon development in compliance with the approved site plan, Exhibit 2, 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.