

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

RE: Case No. V-62-09 Dorothy Williams

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: September 23, 2009.

**CERTIFICATE OF SERVICE**

This is to certify that on October 19, 2009, 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.  
Other Interested Parties

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

Petitioner: Dorothy Williams

Appeal No.: V-62-09

Subject Property: Lot 13, Block 3, Lot Line Adjustment Plat of Lots 12 & 13, Block 3, Resubdivision of  
Lots 2, 3 & 4, Block 3, Hough's Park Subdivision, being 7102 Loch Court, Fort  
Washington, Prince George's County, Maryland

Witness: Mario Ortega

Heard and Decided: September 23, 2009

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 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. Petitioner proposes to construct a detached garage and driveway. A variance of 4.5% net lot coverage is requested.

Evidence Presented

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

1. The property was originally subdivided in 1946, with a lot line adjustment in 2002 creating the property as it exists today. The property contains 9,962 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. The existing house was built in 1949. See Exhibits ("Exhs.") 2, 4, 6 & 14.
2. Petitioner would like to construct a 24' x 24' detached two-car garage in the rear yard and an 11' x 108' driveway, with a 21' x 15' parking pad, to access the garage. In order to obtain a building permit for the proposed construction a variance of 4.5% net lot coverage was requested because construction of the garage and driveway will exceed the allowable amount of net lot coverage. See Exhs. 8 & 9.
3. Petitioner testified that she proposes to lengthen the driveway and build the garage farther back on the lot because if the garage were built where a variance would not be necessary (e.g. in the middle of the yard), it would be too close to the existing deck and appear out of place.
4. Ms. Williams further testified that the garage will offer protection from vandalism.
5. Ms. Williams also stated that the exterior of the proposed garage will be wood and siding to match the existing house.

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 there being no driveway or parking structure on the subject property, location of the garage in the far rear of the lot allowing yard space next to the house and existing deck, the driveway length necessary to access such a location causing the allowable amount of the net lot coverage to be exceeded, 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 4.5% net lot coverage in order to construct a detached garage and driveway on the property located at Lot 13, Block 3, Lot Line Adjustment Plat of Lots 12 & 13, Block 3, Resubdivision of Lots 2, 3 & 4, Block 3, Hough's Park Subdivision, being 7102 Loch Court, Fort Washington, 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, 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.