

*NOTICE OF FINAL DECISION*


*OF BOARD OF APPEALS*

RE: Case No. V-212-07 Gwendolyn Blakeney

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: January 30, 2008 .

**CERTIFICATE OF SERVICE**

This is to certify that on March 3, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
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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***

Petitioner: Gwendolyn Blakeney

Appeal No.: V-212-07

Subject Property: Lot 78, Block 34, Resubdivision of Lots 45-50, Greater Capitol Heights Subdivision,  
being 1112 Mentor Avenue, Capitol Heights, Prince George's County, Maryland

Witness: Dwayne Kingsbury, Resident of subject property

Heard and Decided: January 30, 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, 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 6,500 square feet; Section 27-442(d)(Table III), which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line; and Section 27-442(e)(Table IV), which prescribes that each lot shall have a side yard at least 8 feet in width and a rear yard at least 20 feet in depth/width. Petitioner proposes to validate existing conditions and construct a one-story addition. Variances of 1,620 square feet net lot area, 14 feet front building line width, 3 feet side yard width and 8 feet rear yard depth/width are requested.

Evidence Presented

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

1. The property was resubdivided in 1963, contains 4,880 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 1962 (Exhibit 6).
2. The property is an odd-shaped lot, with an 11' x 20' cut-out at the right rear corner (Exhibits 4 & 10).
3. Petitioner would like to construct a 16' x 12' one-story dining room addition on the rear of the existing dwelling. Since the existing house is located 5 feet from the side lot line and the addition continues the side line of the house, a variance of 3 feet side yard width was requested. Since the addition would be located only 12 feet from the rear lot line at the closest point, a variance of 8 feet rear yard depth/width was also requested.
4. To obtain a building permit for the addition, existing conditions must also be validated. The property does not meet the current minimum lot size and lot width requirements and variances of 1,620 square feet net lot area and 14 feet front building line width were requested.
5. Petitioner testified that her house lacks a dining room to accommodate large family meals.
6. On the other side of the rear of the house, there is an existing walk-out basement entrance (Exhibit 5).

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 narrowness and dimensions of the property, the house being built in 1962, the property being resubdivided in 1963, the unusual shape of the property, the location of an existing walk-out basement entrance, the addition needing to be constructed where the back of the house is 20 feet closer to the rear property line because of a cut-out at the right rear corner of the property, 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 1,620 square feet net lot area, 14 feet front building line width, 3 feet side yard width and 8 feet rear yard depth/width in order to validate existing conditions and construct a one-story addition on the property located at Lot 78, Block 34, Resubdivision of Lots 45-50, Greater Capitol Heights Subdivision, being 1112 Mentor 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 revised site plan, Exhibit 10, and the approved elevation plans, Exhibit 3(a)-(c).

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.