


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

RE: Case No. V-13-08 Richard & Shirley Waters

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: March 5, 2008.

**CERTIFICATE OF SERVICE**

This is to certify that on March 31, 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  
Other Interested Parties

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

Petitioners: Richard & Shirley Waters

Appeal No.: V-13-08

Subject Property: Parcel 31, Tax Map 109, Grid F-1, being 12400 Farm Road, Upper Marlboro,  
Prince George's County, Maryland

Witnesses: Paul Miller, Petitioners' contractor  
Patricia Trot, Petitioners' designer  
Dorothy Troutman, Adjoining property owner  
Rosie Wilkerson, Adjoining property owner  
Myron Kimes, Petitioners' son-in-law

Heard and Decided: March 5, 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, Petitioners request that the Board approve variances from Section 27-442(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking; Section 27-442(e)(Table IV), which prescribes that each lot shall have a side yard at least 8 feet in width; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from the rear lot line. Petitioners propose to validate existing conditions and construct two one-story additions. Variances of 7.8% net lot coverage, 5 feet side yard width for the existing house and 2 feet rear lot line setback for an existing shed are requested.

Evidence Presented

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

1. The property was created by deed in 1963, contains 21,707 square feet (0.499 acre), is zoned R-A (Residential-Agricultural) and is improved with a single-family dwelling (with deck), frame shed, driveway and parking pad. The existing house was built in 1964.
2. The property is a long, narrow, odd-shaped lot (Exhibit 2). Because the property was created prior to R-A zoning, development must meet the zoning requirements for the R-R Zone.
3. Petitioners purchased the property in 1972 (Exhibit 9). They would like to construct a one-story addition, with a 12' x 18' section and 10' x 6' section, on the rear of the existing dwelling. To obtain a building permit for the proposed addition, the following existing conditions must be validated. Since the existing house is only 3 feet from the side lot line at the closest point, a variance of 5 feet side

yard width was requested. Since the frame shed in the rear yard extends to the rear lot line, a variance of 2 feet rear lot line setback was requested. Since the allowed amount of net lot coverage is already exceeded by existing development on the property, construction of the additions will cause that amount to be further exceeded. A variance of 7.8% net lot coverage was requested.

4. A large portion of the property is covered by a parking pad area and an asphalt and gravel driveway, which extends approximately 240 feet in order to access the frame shed structure in the rear yard. A 14-foot-wide farm road at the front of the property that is used to access the public street is included in calculating net lot coverage.

5. Paul Miller, Petitioners' contractor, testified that the two-part addition will contain a bedroom and a handicapped-accessible bathroom and part of the deck at the rear of the house will be removed to accommodate construction of the new addition.

6. Petitioner Richard Waters testified that the addition is a necessary to accommodate care for his daughter who uses a wheelchair.

7. Mr. Waters testified that there are power lines on the east side of the property.

8. Dorothy Troutman, owner of adjoining property to the rear, testified that the neighborhood is rural with only seven houses located along the farm road which her 209-acre farm surrounds. She stated that there is a 400-acre farm on the other side of the power lines. She believes that the existing structures on the subject property do not adversely affect anyone and supports Petitioners' request.

9. Rosie Wilkerson, owner of adjoining property on the east side, did not object to Petitioners' request.

#### 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 house being built many years ago, the narrowness of the property, the angles of the property lines, the front line of the house being parallel to the front property line causing the sides of the house to sit at an angle to the side property lines, a large amount of the property being covered by asphalt/gravel driveway and parking pad area, the driveway already extending approximately 240 feet in order to access an existing accessory building in the rear yard, a 14-foot-wide farm road at the front of the property being considered part of the property and net lot coverage, the need for additional living space that is wheelchair accessible, and the rural 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, unanimously, that variances of 7.8% net lot coverage, 5 feet side yard width for the existing house and 2 feet rear lot line setback for an existing shed in order to validate existing conditions and construct two one-story additions on the property located at 31, Tax Map 109, Grid F-1, being 12400 Farm Road, Upper Marlboro, 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 plans Exhibit 3(a) & (b).

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.