

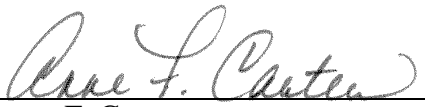
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-15-08 Ernest & Barbara Audet

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 19, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on April 7, 2008, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
DER, Building Code Official, Permit & Review Div.
M-NCPPC, Permit Review Section
Municipality
Other Interested Parties

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

Petitioners: Ernest & Barbara Audet

Appeal No.: V-15-08

Subject Property: Lot 12, Block 7, Section 2, University Park Subdivision, being 4202 East West Highway, University Park, Prince George's County, Maryland

Municipality: Town of University Park

Witness: Carl Preston Hall

Heard and Decided: March 19, 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 a 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 variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width; Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall generally be located only in the rear yard. Petitioners propose to validate existing conditions and construct a one-story addition. Variances of 1 foot side yard width, 4.4% net lot coverage and a waiver of the rear yard requirement for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1923, contains 8966 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, detached garage and driveway. The existing house was built in 1941 (Exhibit 7).
2. Petitioners would like to construct a 692-square-foot one-story addition (28' x 21.9/13' x 6.1') on the rear of the existing dwelling. Since the existing house is 7 feet from the side lot line and the proposed addition will continue that line of the house, a variance of 1 foot side yard width was requested. Since construction of the proposed addition would change the rear line of the house because the detached garage would no longer be located in the legal rear yard and would cause the allowed amount of net lot coverage to be exceeded, a waiver of the rear yard requirement for an accessory building and a variance of 4.4% net lot coverage were also requested.
3. Petitioner testified that because her husband is confined to either a bed or wheelchair, the existing house is too small, with small hallways and doorways. The proposed addition will contain a handicapped-accessible bedroom and bathroom and an extension to the kitchen area.

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.