

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-18-08 Maria Glenn

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: April 2, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on April 22, 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

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

Petitioner: Maria Glenn

Appeal No.: V-18-08

Subject Property: Lot 2, Block E, Chapel Oaks Subdivision, being 1227 Dunbar Oaks Drive, Capitol Heights, Prince George's County, Maryland

Witness: Eric Crowell, Crowell Construction & Remodeling

Heard and Decided: April 2, 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(i)(Table VIII) of the Zoning Ordinance, which prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard, and 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. Petitioner proposes to validate existing conditions and construct a one-story addition. A variance of 60 feet front street line setback and a waiver of the rear yard location requirement for an existing detached carport, and a variance of 1.8% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1941, contains 5,203 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and detached carport. The existing house was built in 1944 (Exhibit 6).
2. The property is an odd-shaped lot, with irregular rear and right side lot lines (Exhibits 2 & 4).
3. Petitioner would like to construct a 24' x 12' one-story addition on the rear of the existing dwelling. Since construction of the addition would cause the allowed amount of lot coverage to be exceeded, a variance of 1.8% net lot coverage was requested.
4. Existing conditions must also be validated in order to obtain a building permit to construct the proposed addition. Since an existing 17' x 21' detached carport is located in front of the house and extends to the front street line, a variance of 60 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested.
5. Petitioner testified that she has not built anything on the property and the carport already existed. She would like to add another bedroom at the back of the house and discussed her request with neighbors who did not object. She testified that additions have been built on other houses in the neighborhood and one other carport is located in a front yard.

6. Eric Crowell, Petitioner's contractor, testified that the two-bedroom house has no usable basement area. He stated that the proposed development would allow Petitioner to add an additional bedroom and enlarge an existing bedroom, and would have vinyl siding on the exterior matching the existing house.

7. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request with regard to the description of the property contained on the record plat of subdivision for Chapel Oaks, Section 1 (BB 8 @ 82 – Lot 2, Block E). The Subdivision Section stated that the requested variance is not in conflict with the subject record plat because the proposed building development is located behind the existing 25-foot building restriction line shown on the plat along Dunbar Oaks Drive (aka 57th Avenue on the record plat). See Exhibit 13.

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 unusual shape of the property, the existing conditions on the property at the time Petitioner purchased the property, the house being built many years ago and having only two bedrooms, the need for additional living space, 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Mack in the minority, that a variance of 60 feet front street line setback and a waiver of the rear yard location requirement for an existing detached carport, and a variance of 1.8% net lot coverage, in order to validate existing conditions and construct a one-story addition on the property located at Lot 2, Block E, Chapel Oaks Subdivision, being 1227 Dunbar Oaks Drive, 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 14, 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.