

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

Date: May 22, 2009

Petitioner: Toll MD Limited Partnership

Appeal No.: V-20-09

Subject Property: Lot 2, Block B, Piscataway Creek Estates Subdivision, being 8101 Kittama Drive, Clinton, Prince George's County, Maryland

Counsel for Petitioner: Robert J. Antonetti, Jr., Esq., Shipley, Horne & Hewlett, P.A.

Action by the Board: May 20, 2009

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

Petitioner brought the subject appeal 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").

Petitioner requested variances of 43,388 square feet net lot area, .5 foot front yard depth, 21.7 feet side street yard depth and 3% net lot coverage in order to validate existing conditions and construct a new single-family dwelling and driveway on the property located at Lot 2, Block B, Piscataway Creek Estates Subdivision, being 8101 Kittama Drive, Clinton, Prince George's County, Maryland.

The appeal was advertised for hearing before the Board on May 20, 2009. On May 18, 2009, the Board received a letter from counsel for Petitioner withdrawing the appeal and requesting a full refund of Petitioners' filing fee. Counsel explained in his letter that it had been determined that the variances requested were unnecessary and that Petitioners originally made the request based on an error in the GIS mapping system relied upon to determine the zoning of the property. Counsel stated that the GIS mapping system did not pick up a zoning change, set forth in the 1993 approved Subregion V Master Plan and Sectional Map Amendment, which resulted in the subject property being located entirely in the R-E (Residential Estate) Zone.

BE IT THEREFORE RESOLVED, unanimously, that the subject appeal be and is hereby DISMISSED; and

BE IT FURTHER RESOLVED, unanimously, that a full refund of Petitioner's filing fee be and is hereby GRANTED. A refund in the amount of Five Hundred Dollars (\$500.00) will be forthcoming from the Office of Finance.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
Cheltenham Estates Homeowners Association