

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-201-07 Willie & Thomasina Armwood

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: February 13, 2008.

CERTIFICATE OF SERVICE

This is to certify that on May 5, 2008, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

cc: Petitioners
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

Petitioners: Willie & Thomasina Armwood

Appeal No.: V-201-07

Subject Property: Lots 17 & 18, Block 6, Highland Park Subdivision, being 6506 Lowland Drive,
Upper Marlboro, Prince George's County, Maryland

Heard: January 16, 2008; Decided: February 13, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a front yard at least 25 feet in depth and a minimum side yard along the side street at least 25 feet in depth. Petitioners propose to validate an existing condition and construct a one-story addition. Variances of 2.22 feet front yard depth and 9.3 feet side street yard depth are requested.

Evidence Presented

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

1. The property was subdivided in 1913, contains 6,430 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and deck.
2. The property is a corner lot, with the house facing the legal side street, Lowland Drive (Exhibit 2). The existing house was built in 1989 (Exhibit 6).
3. Petitioners would like to construct a 14' x 24.2' one-story addition on the side of the house facing Fiji Avenue. To obtain a building permit for the proposed addition, a variance is necessary. Since the addition would be located 22.78 feet from the front street line, a variance of 2.22 feet front yard depth was requested.
4. A variance of 9.3 feet side street yard depth was initially also requested to validate the existing house and construct the addition, but it was determined that because an alley separates the subject property from the adjoining lot to the east, a 15-foot street setback is sufficient and no variance is needed.
5. Petitioner Willie Armwood testified that because their kitchen is too small and there is no dining room and Petitioners would like to remove the wall on the Fiji Avenue side of the house to enlarge the kitchen and dining area. He further testified that they previously built an addition on the opposite side of the house.

6. Patricia Smith, an adjoining property owner, opposed the request, expressing concern that the addition would be too close to the street corner, obstruct the view of drivers and adversely affect the safety of children walking to school on Fiji Avenue (Exhibit 10).

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 variance does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioners' lot has no exceptional topography or other conditions peculiar to the property. The Board further finds that the lot is regular in its size and shape and no evidence of any extraordinary situation or uniqueness of the lot was presented (see, Exhibits 2 & 4).
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.
3. The Board notes that further enlarging the footprint of the house, already only about 15 feet from Lowland Drive, to extend beyond the setback requirements along Fiji Avenue may create a possible safety hazard by diminishing visibility of drivers from both streets.
4. The Board further notes that Petitioners may build an addition that extends up to 11.78 feet and stay within the required setback.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 2.22 feet front yard depth in order to construct a one-story addition on the property located at Lots 17 & 18, Block 6, Highland Park Subdivision, being 6506 Lowland Drive, Upper Marlboro, Prince George's County, Maryland, be and is hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.