


*NOTICE OF FINAL DECISION
OF BOARD OF APPEALS*

RE: Case No. V-2-08 Lannie Price

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 27, 2008.

CERTIFICATE OF SERVICE

This is to certify that on March 13, 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
Glen Dale Estates Civic Association

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

Petitioner: Lannie Prince
Appeal No.: V-2-08
Subject Property: Lot 18, Block B, Glenn Dale Estates Subdivision, being 11210 Fruitwood Drive,
Bowie, Prince George's County, Maryland
Heard: February 13, 2008; Decided: February 27, 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 variance 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 a variance from Section 27-442(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to construct a one-story addition and a two-story addition. A variance of 4.5% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1974, contains 9,677 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway.
2. There is a recorded 35-foot building restriction line across the front of the lot, behind which all structures are located.
3. Petitioner would like to construct a 22' x 30' one-story addition and a 38' x 12' two-story addition on the rear of the existing dwelling. Construction of the additions would cause the allowed amount of lot coverage to be exceeded and a variance of 4.5% net lot coverage was requested.
4. Petitioner testified that the one-story addition behind the garage would allow her to add a family room and the two-story addition would let her expand the size of the kitchen, bedrooms, bathrooms and a closet. She stated that the exterior of the additions would match the existing house. An existing deck will need to be removed where the two-story addition will be located. She explained that she needs the additional space so that her elderly mother could move into the house.
5. Petitioner further testified that a sunroom has been added to a nearby home. She stated that the adjoining lot next to the one-story addition is a corner lot, the house faces a different street and there is a privacy fence along the shared property line.
6. Glenn Dale Estates Civic Association made no comment on the request.

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 (WWW 89 @ 82 – Lot 18, Block B). 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 35-foot building restriction line shown on the plat along Fruitwood Drive.

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to there being a recorded 35-foot building restriction line across the front of the lot, the adjoining lot being a corner lot with the house facing a different street, there being a privacy fence along the shared property line, 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 4.5% net lot coverage in order to construct a one-story addition and a two-story addition on the property located at Lot 18, Block B, Glenn Dale Estates Subdivision, being 11210 Fruitwood Drive, Bowie, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance 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.