


*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-21-08 James & Diane Furr

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 23, 2008.

**CERTIFICATE OF SERVICE**

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

  
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Anne F. Carter  
Administrator

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

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

Petitioners: James & Diane Furr

Appeal No.: V-21-08

Subject Property: Lot 11, Westgate Subdivision, being 5615 Gregory Drive, Lanham,  
Prince George's County, Maryland

Witness: Gus Mack, Petitioner's contractor

Heard: April 2, 2008; Decided: April 23, 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, Petitioners request that the Board approve a 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. Petitioners propose to construct a two-story addition. A variance of 3 feet side yard width is requested.

Evidence Presented

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

1. The property was subdivided in 1977, contains 7,553 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The existing house was built in 1979 (Exhibit 6).
2. The property is regular in its shape and size (Exhibits 2 & 4).
3. Petitioners would like to construct a 23' x 20' two-story addition on the side of the existing dwelling, the first story containing a garage and the second story containing living space. See Exhibit 2. Since the addition would be located 5 feet from the side lot line, a variance of 3 feet side yard width was requested.
4. The roofline of the proposed addition would be higher than that of the existing house. See Exhibit 3(a)-(f).
5. Petitioner James Furr testified that additional living space is needed for their daughter, who suffers from lupus and installation of rails and a chairlift in the garage are needed for his wife, who is handicapped, to access the second floor of the house.
6. Petitioner Diane Furr testified that the proposed garage would also provide protection for her from hazardous weather when using her automobile.
7. Contractor Gus Mack testified that Petitioners' house is a split-foyer. He stated that most of the homes in the neighborhood are either one level or split-foyers and two blocks over there are some two-story houses on larger lots.

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 Petitioner's 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 Petitioners are permitted to construct an addition 20 feet in width, rather than the requested 23 feet in width, without the approval of a variance.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 3 feet side yard width in order to construct a two-story addition on the property located at Lot 11, Westgate Subdivision, being 5615 Gregory Drive, Lanham, 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.