

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

RE: Case No. V-21-09 Brenda & Ronald Wilkinson, Sr.

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: May 6, 2009 .

**CERTIFICATE OF SERVICE**

This is to certify that on May 18, 2009 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)  
Anne F. Carter  
Administrator

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

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

Petitioners: Brenda & Ronald Wilkinson, Sr.

Appeal No.: V-21-09

Subject Property: Parcel 32, Tax Map 165, Grid B-2, being 8507 Cedarville Road, Brandywine,  
Prince George's County, Maryland

Heard and Decided: May 6, 2009

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(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 10% of the net lot area shall be covered by buildings and off-street parking, and Section 27-442(i)(Table VIII), which prescribes that chicken coops and runs shall be located 25 feet from any side or rear lot lines. Petitioners propose to validate existing conditions and construct a two-story addition, with deck and balcony. Variances of 5% net lot coverage and 2 feet side lot line setback and 25 feet rear lot line setback for an existing chicken coop and run are requested.

Evidence Presented

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

1. The property was created by deed in 1949, contains 87,120 square feet (2 acres), is zoned R-A (Residential-Agricultural) and is improved with a two-story single-family dwelling, driveway, detached garage, guest house, shed, chicken coop and chicken run. See Exhibits ("Exhs.") 2, 4 & 8.
2. The single-family dwelling is set back 164 feet and the guest house 137 feet from the front street line, with both set back slightly farther from the existing pavement of the street. Based on a current site plan (Exh. 2), 15% of the net lot area was found to be covered (with structures covering 5% and driveway area covering 10%) and a chicken coop and chicken run in the rear yard was found to not meet certain required setbacks. See Exhs. 2, 7 & 11.
3. Petitioners would like to construct a 16.1' x 32.2' two-story addition, with a 16' x 10' deck and 10' x 5' balcony. Since the existing development on the property exceeds the allowable amount of net lot coverage, construction of the proposed addition will further exceed net lot coverage, and a variance of 5% net lot coverage and validation of existing conditions are necessary prior to obtaining a permit for the new development.

4. Existing conditions that must be validated are the existing 16' x 10' chicken coop which is located 3 feet from the rear lot line and the 31.2' x 14' chicken run which is located 23 feet from the side lot line and at the rear lot line. Variances of 2 feet side lot line setback and 25 feet rear lot line setback were requested to validate these respective conditions.

5. Petitioner Ronald Wilkinson testified and the site plan indicates that there are no structures located on adjoining property within 50 feet of the chicken coop. See Exh. 2.

6. Petitioner Brenda Wilkinson testified that they converted a tool shed into the chicken coop and built the run. She further testified that the surrounding property is rural, mostly wooded and vacant, and there is a farm directly across from their property. Also see Exh. 9. She stated that the proposed addition will be used for living space.

7. Petitioners keep hens and a rooster in the chicken coop and run and indicated that the exterior of the addition will match the existing house.

#### 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 property being located in a rural area, the existing conditions on the property, the current net lot coverage becoming apparent when a new site plan was drawn for the property, the structures being setback long distances from the street line and even farther from the existing pavement of the street, driveway area making up 10% of the net lot coverage on the property, there being no structures located on adjoining land within 50 feet of the existing chicken coop, the need for additional living space, the proposed addition meeting all required setbacks, 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, unanimously, that variances of 5% net lot coverage and 2 feet side lot line setback and 25 feet rear lot line setback for an existing chicken coop and run in order to validate existing conditions and construct a two-story addition, with deck and balcony, on the property located at Parcel 32, Tax Map 165, Grid B-2, being 8507 Cedarville Road, Brandywine, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon

development in compliance with the approved site plan, Exhibit 2, 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.