

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-27-08 Fred & Cheri Bateman

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 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
West Laurel Civic Association

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

Petitioners: Fred & Cheri Bateman

Appeal No.: V-27-08

Subject Property: Lot 15, Block C, Rollandwood Subdivision, being 15812 Wayne Avenue, Laurel,
Prince George's County, Maryland

Heard and 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(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to construct a second-floor addition and one-story addition, with walkout basement. A variance of 2.2% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1963, contains 10,952 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, attached carport, shed and driveway (Exhibits 2, 4, 5 & 8). The existing house was built in 1965 (Exhibit 8).

2. Petitioners would like to construct a 20'8" x 24'6" second-floor addition over the right side of the existing house and a 26' x 14' one-story addition, with walkout basement, on the back of the existing house. Construction of the one-story addition would cause the allowed amount of net lot coverage on the property to be exceeded, and a variance of 2.2% net lot coverage was requested by Petitioners.

3. Petitioner Fred Bateman testified that the existing split-level house has only three bedrooms; the proposed second-floor addition would contain a master bedroom and the addition proposed for the back of the house would enlarge the existing kitchen and basement. He testified that the addition on the rear would extend to the rear line of the existing screened porch, both additions would have siding to match the rest of the house and that the entire roof was being replaced.

4. Mr. Bateman testified that they were unaware that an overage of lot coverage was an issue for the proposed construction until their plans had been completed and they attempted to obtain a building permit. He explained that their property is the last lot zoned R-R, limiting net lot coverage to 25%, on their street; a newer section of the subdivision with similar-sized lots that are zoned R-80 (One-Family

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.