

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

RE: Case No. V-30-10 Teri Dunham

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: June 2, 2010.

**CERTIFICATE OF SERVICE**

This is to certify that on June 14, 2010, 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: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DER, Building Code Official, Permits & Review Div.

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

Petitioner: Teri Dunham

Appeal No.: V-30-10

Subject Property: Part of Lots 34 thru 38, Block 38, Glenndale Heights Subdivision, being 9900

Marguerita Avenue, Glenn Dale, Prince George's County, Maryland

Witness: Kelvin Pascal, Petitioner's contractor

Heard: May 19, 2010; Decided: June 2, 2010

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), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to construct a one-story addition. A variance of 2% net lot coverage is requested.

Evidence Presented

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

1. The property consists of parts of lots which were subdivided prior to 1927, contains 9,000 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. See Exhibits ("Exhs.") 2, 4, 9-10. The size of the lot is small relative to other lots within the R-R zone. Exhs. 2, 9. The property was improved with a single-family dwelling in 1981. See Exh. 9.
2. The property is a corner lot, with the house facing the legal front street. See Exhs. 2, 11.
3. Petitioner would like to construct a 20' x 14' one-story addition on the rear of the existing dwelling, but a variance is necessary prior to obtaining a building permit. See Exhs. 2-3. Since construction of the addition would cause the 25% maximum net lot coverage to be exceeded, a variance of 2% net lot coverage was requested. See Exhs. 13-14.
4. Kelvin Pascal, Petitioner's contractor, testified that the proposed addition, which would contain a family room, would be constructed on the rear of the house because there is a large back yard. He explained that a portion of an existing deck will be removed where the addition will be located and that the proposed addition will not extend farther than the next door neighbor's deck. See Exh. 5(B).
5. The Subdivision Section of the Maryland-National Capital Park and Planning Commission ("M-NCPPC") reviewed the request. The Subdivision Section stated that a review of the property's subdivision history, including deeds and the record plat for Glenndale Heights Subdivision (Sheet No. 4 – RNR 2 @ 27), revealed that no additional building lots resulted from the creation of the subject property,

and the Subdivision Section will accept this land division without the need for any future subdivision process (preliminary plan and final plat). It was strongly recommended that a copy of the May 10, 2010 memorandum to the Board of Zoning Appeals, detailing the comments of Alan S. Hirsch, Subdivision Section, M-NCPPC, accompany any future building permits associated with the subject property. See Exh. 21.

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 the small size of the lot relative to other lots with the same zoning (R-R), the property having a large rear yard, 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 2% net lot coverage in order to construct a 20' x 14' one-story addition on the property located at Part of Lots 34 thru 38, Block 38, Glendale Heights Subdivision, being 9900 Marguerita Avenue, Glenn Dale, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 22, and the approved elevation plan, Exhibit 3. A copy of Exhibit 21 (Memorandum from Alan S. Hirsch, Subdivision Section, Maryland-National Capital Park and Planning Commission, to Board of Zoning Appeals, dated May 10, 2010), attached hereto, should accompany any future building permits associated with the property.

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.