

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

RE: Case No. V-31-10 Dwight & Marilyn Scott

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 19, 2010.

**CERTIFICATE OF SERVICE**

This is to certify that on June 1, 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: Petitioners  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DER, Building Code Official, Permits & Review Div.  
West Laurel Civic Association

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

Petitioners: Dwight & Marilyn Scott

Appeal No.: V-31-10

Subject Property: Lot 15, Block D, Walker Hill Subdivision, being 7007 Fitzpatrick Drive, Laurel,  
Prince George's County, Maryland

Heard and Decided: May 19, 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, Petitioners request 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. Petitioners propose to construct a one-story addition. A variance of 1.2% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1964, contains 10,045 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, attached garage, driveway and shed. See Exhibits ("Exhs.") 4, 6-7, 21. The property was improved with a single-family dwelling in 1966. See Exh. 6.
2. Petitioners would like to construct a 24' x 14' one-story addition on the rear of the existing dwelling, but because construction of the addition would exceed the 30% maximum net lot coverage, a variance of 1.2% net lot coverage was requested. See Exhs. 10-11, 21. The variance is needed to obtain a building permit.
3. A shed, located behind the house and under the deck, is to be removed. See Exhs. 5(B) & (D)-(F), 17, 21.
4. Petitioner Dwight Scott testified that his wife, who is a church pastor, needs room for an office. He explained that it would be structurally more complicated to add living space over the existing ranch-style house than locating the addition in its proposed location and a smaller addition not requiring a variance would not provide sufficient office space. See Exh. 18.
5. West Laurel Civic Association made no comment on the request.

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 need for pastoral office space, a shed being removed from behind the house, a minimal lot coverage variance being necessary for an addition that would accommodate an office of sufficient size, 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 a variance of 1.2% net lot coverage in order to construct a one-story addition on the property located at Lot 15, Block D, Walker Hill Subdivision, being 7007 Fitzpatrick Drive, Laurel, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in conformance with the approved revised site plan, Exhibit 21, 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.