

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-38-08 Raymond & Sheila Whiteman

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 18, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on June 26, 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
Woodmore Homeowners Association

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

Petitioners: Raymond & Sheila Whiteman
Appeal No.: V-38-08
Subject Property: Lot 67, Woodmore Subdivision, being 3202 Shortridge Lane, Mitchellville,
Prince George's County, Maryland
Heard: May 21, 2008; Decided: June 18, 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 20% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate existing conditions and construct an attached two-car garage with second-floor living space. A variance of 5.7% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1981, contains 31,001 square feet, is zoned R-A (Residential-Agricultural) and is improved with a single-family dwelling, three-car garage, driveway and in-ground swimming pool. The existing house was built in 2000. See Exhibits 2, 4 & 12.
2. The property is an odd-shaped lot located on a cul-de-sac. See Exhibits 2, 4, 9-10 & 13.
3. Petitioners would like to construct a 24' x 32' two-car garage with a second-story exercise room (Exhibit 6). The garage would be constructed over an existing parking pad constructed after the initial development of the property. See Exhibits 9 & 10. The second floor of the garage addition would connect to the second level of the existing house. Since construction of the additional driveway area had already caused the allowed amount of lot coverage to be exceeded, a variance of 5.9% net lot coverage was requested to validate existing conditions and construct the garage addition.
4. Petitioner Raymond Whiteman testified that the Woodmore development does not allow sheds and they need more space to store their riding lawnmower, snowplow and other equipment that does not fit in the existing garage. He stated that all of the existing driveway area had already been put in when he purchased the property.
5. The Architectural Committee for The Woodmore Homeowners Association approved the request, stating that all exterior material shall match the existing, including color, cedar roof, brick etc. See Exhibit 7.

6. The Development Review Division of the Maryland-National Capital Park and Planning Commission reviewed the request and stated that there are no subdivision issues with the proposed structure (Exhibit 22).

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 unusual shape of the property, the property being located on a cul-de-sac, the existing conditions on the property, the proposed structure being built over an existing parking pad, the need for additional storage 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 5.7% net lot coverage in order to validate existing conditions and construct an attached two-car garage with second-floor living space on the property located at Lot 67, Woodmore Subdivision, being 3202 Shortridge Lane, Mitchellville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibit 3(a)-(d).

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.