

*NOTICE OF FINAL DECISION*


*OF BOARD OF APPEALS*

RE: Case No. V-42-08 William Blake III

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.

  
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Anne F. Carter  
Administrator

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

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

Petitioner: William Blake III

Appeal No.: V-42-08

Subject Property: Lots 5 & 6, Block V, Carmody Hills Subdivision, being 6605 Valley Park Road, Seat Pleasant, Prince George's County, Maryland

Witness: Sondra Blake

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 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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have one side yard at least 9 feet in width, and Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to construct a two-story addition and a second-floor addition. Variances of 2.8 feet side yard width and 3.5% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1924, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The existing house was built in 1971. See Exhibits 2, 4 & 6.
2. The property narrows from front to rear, and is made up of two zoning lots. See Exhibits 2, 4 & 7.
3. Petitioner would like to construct an 18' x 16' two-story addition on the rear of the existing split-level dwelling and an 18' x 24'10" second-floor addition over the right portion of the existing dwelling. Since the two-story addition would be located 6.2 feet from the side lot line, a variance of 2.8 feet side yard depth was requested. Construction of the two-story addition would cause the allowed amount of lot coverage to be exceeded and a variance of 3.5% net lot coverage was requested.
4. Petitioner William Blake testified that he has owned the house for 18 years and the house is too small for the family's needs.
5. 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 regard to the proposed request (Exhibit 13).

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 do not comply with the applicable standards set forth in Section 27-230, more specifically:

1. To meet the first prong of Section 27-230, probative evidence must demonstrate exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property. The Board finds that Petitioner's lot is slightly unique in shape since it narrows from a width of approximately 72 feet at the street to just under 40 feet at the rear property line. See Exhibit 2.
2. To satisfy the second prong, it must be shown that 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. The Board also finds no evidence of peculiar and unusual practical difficulty for Petitioner or an exceptional or undue hardship upon Petitioner. Petitioner would be permitted to construct the entire second-floor addition requested and a smaller two-story addition without the need for variances.
3. The Board further finds that the requested overage of lot coverage would be inconsistent with the intent, purpose and integrity of the General Plan and Master Plan. Granting the request would be in conflict with the regulations for development in the R-55 Zone where the property is located.
4. Therefore, the Board finds that Petitioners' request does not meet all of the requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that variances of 2.8 feet side yard width and 3.5% net lot coverage in order to construct a two-story addition and a second-floor addition on the property located at Lots 5 & 6, Block V, Carmody Hills Subdivision, being 6605 Valley Park Road, Seat Pleasant, Prince George's County, Maryland, be and are hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.