

*NOTICE OF FINAL DECISION*


*OF BOARD OF APPEALS*

RE: Case No. V-50-08 Joseph Johnson

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: July 2, 2008 .

**CERTIFICATE OF SERVICE**

This is to certify that on July 16, 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  
Municipality  
Other Interested Parties

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

Petitioner: Joseph Johnson

Appeal No.: V-50-08

Subject Property: Lots 26 & 27, Block 11, Colmar Manor Subdivision, being 3308 40th Avenue,  
Brentwood, Prince George's County, Maryland

Municipality: Town of Colmar Manor

Witness: Joseph Quarterman, Petitioner's architect

Heard: June 18, 2008; Decided: July 2, 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 corner lot shall have a minimum side yard along the side street at least 25 feet in depth, 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 validate existing conditions and construct a one-story addition. Variances of 15 feet side street yard depth and 7.5% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1918, contains 4,000 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 1921. See Exhibits 2, 4 & 6.
2. The property is a corner lot, with the house facing the legal front street. The property is made up of two zoning lots and is 40 feet wide and 100 feet long. See Exhibits 2, 4 & 7.
3. Petitioner would like to construct a 12'6" x 7' one-story addition and 11'6" x 7' deck on the rear of the existing dwelling. An existing 8'10" x 7'4" wood porch, landing and steps on the rear of the house are to be removed. Since the allowed amount of net lot coverage is already exceeded by existing development on the property, construction of the addition would cause that amount to be further exceeded. A variance of 7.5% net lot coverage was requested.

4. The existing dwelling, constructed in 1921, does not need validation, but the proposed deck would extend a line of the house that is only 10 feet from the side street line. A variance of 15 feet side street yard depth was requested to allow a deck to be constructed that same distance from the side street.

5. Petitioner testified that he recently purchased the property, on which there is a two-bedroom, one-bath house that needs repair. He stated that he would like to add one bedroom and one bathroom to accommodate a family. He further stated that the exterior of the proposed addition would match the existing house.

6. Joseph Quarterman, Petitioner's architect, testified that there have been either small porch or deck additions put onto nearby homes. See Exhibit 5(G)&(H).

7. The Town of Colmar Manor took no action on the request. See 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 comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1918, the existing house being built in 1921, the narrowness of the property, the property being a corner lot, the existing conditions on the property, the house being in a state of disrepair, the house being so small as to be impractical as a residence for a family, the proposed additional living space resulting in a house with three bedrooms and two-bathrooms, 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 variances of 15 feet side street yard depth and 7.5% net lot coverage in order to validate existing conditions and construct a one-story addition on the property located at Lots 26 & 27, Block 11, Colmar Manor Subdivision, being 3308 40th Avenue, Brentwood, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.

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.