

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-56-08 Victor & Billie Chambers

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



Anne F. Carter
Administrator

cc: Petitioners
Adjoining Property Owners
DER, Building Code Official, Permit & Review Div.
M-NCPPC, Permit Review Section
Melwood Springs HOA

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

Petitioners: Victor & Billie Chambers

Appeal No.: V-56-08

Subject Property: Lot 46, Block J, Mellwood Springs Subdivision, being 10815 Trillum Terrace, Upper Marlboro, Prince George's County, Maryland

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 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 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate existing conditions and construct a covered front porch. A variance of 13.1% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1987, contains 14,008 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. The existing house was built in 2004. See Exhibits 2, 4 & 6.
2. The property is a flag-shaped lot, located on a cul-de-sac within an approved cluster subdivision, with the entire "flag pole" portion of the property consisting of driveway area. See Exhibits 2, 4 & 7.
3. Petitioners would like to construct a 35.6' x 5' covered front porch. The allowable amount of lot coverage is exceeded by existing development due to the large amount of driveway coverage. Therefore, the proposed construction will cause a further violation of the maximum lot coverage allowed and a variance of 13.1% net lot coverage was requested.
4. Petitioner Victor Chambers testified that the proposed porch would provide protection from bad weather. He stated that the porch would extend only as far forward as the front of the garage, rails would extend across the front of the porch, and the soffits and shingles would match the existing house. He further stated that a house on the corner has the same porch that he is proposing to build.
5. Mr. Chambers further testified that the area behind and on one side of his property is wooded and there are existing PEPCO power lines to the right side of the property.

6. Melwood Springs Homeowners Association supported the request (Exhibit 12).

7. The Development Review Division of the Maryland-National Capital Park and Planning Commission reviewed the request with regard to the description of the property contained on the record plat of subdivision for Melwood Springs (NLP 135 @ 18). It was stated that the proposed covered porch is not in conflict with the building restriction line on the record plat or the Plan of Development as approved under Cluster Preliminary Plat 4-85009, if the proposed development meets the definition contained in Section 27-107.01(a) (117.1) of the Zoning Ordinance. See Exhibit 14.

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 exceptional "flag" shape of the property, the property being located on a cul-de-sac within an approved cluster subdivision, the entire "flagpole" portion of the property consisting of driveway area, the proposed covered porch not extending beyond the front line of the existing garage, 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 13.1% net lot coverage in order to validate existing conditions and construct a covered front porch on the property located at Lot 46, Block J, Mellwood Springs Subdivision, being 10815 Trillum Terrace, Upper Marlboro, 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 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.