

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

RE: Case No. V-91-09 Elizabeth & Gregory Lee

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: December 2, 2009.

**CERTIFICATE OF SERVICE**

This is to certify that on January 6, 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.  
Apple Grove-Squireswoods Citizens Association

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

Petitioners: Elizabeth & Gregory Lee

Appeal No.: V-91-09

Subject Property: Lot 18, Block B, Squire's Hill Subdivision, being 2302 Steuben Avenue, Fort  
Washington, Prince George's County, Maryland

Heard and Decided: December 2, 2009

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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to extend and enclose an existing attached carport into a garage. A variance of 4 feet side yard width is requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 11,600 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, attached carport, driveway and shed. The existing house was built in 1971. See Exhibits ("Exhs.") 4, 6 & 19.
2. The property is "arrow"-shaped, with the rear property line forming the point of the arrow. See Exhs. 4, 7 & 19.
3. Petitioner would like to construct a 10' x 18.5' extension on the side of an existing 12' x 18.5' attached carport and enclose it into a 22' x 18.5' garage, but a variance is needed to obtain a building permit for the proposed construction. Because the side of the new, larger garage structure would be set back only 4 feet from the side property line, a variance of 4 feet side yard width was requested. See Exhs. 9 & 19.
4. There is driveway area to the left of the existing carport over which the proposed carport would be constructed. See Exhs. 5(A)-(D), 7, 13, 15 & 16.
5. Petitioner Elizabeth Lee testified that she would like the garage for security reasons for parking family vehicles.
6. Ms. Lee testified that one adjoining neighbor has a garage and the other has a carport and double driveway. See Exhs. 5(E) & (F), 13 & 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 unusual shape of the lot, the location of the existing house and carport on the property, concern over security for family vehicles, the need for a larger and more secure structure in which to park the vehicles, the proposed structure to be constructed over existing driveway area, 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 4 feet side yard width in order to extend and enclose an existing attached carport into a 22' x 18.5' garage on the property located at Lot 18, Block B, Squire's Hill Subdivision, being 2302 Steuben Avenue, Fort Washington, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 19, and the approved elevation plans, Exhibit 3(A)-(C).

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.