

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-13-16 Robert and Brenda Samuels

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: April 13, 2016.

CERTIFICATE OF SERVICE

This is to certify that on April 20, 2016, 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
DPIE/Building Code Official, Permitting

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

Petitioners: Robert and Brenda Samuels

Appeal No.: V-13-16

Subject Property: Lot 19, Block G, Tor-Bryan Estates Subdivision, being 9106 Oxon Hill Road, Fort Washington, Prince George's County, Maryland

Witness: Jeff Tice, Maryland Contracting & Design

Heard and Decided: April 13, 2016

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, Petitioners request 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 front yard and side street yard 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. Petitioners propose to validate an existing condition and construct a one-story addition. Variances of 3 feet front yard depth, 7 feet side street yard depth and 2.8% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1973, contains 10,975 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1980. Exh. 7.
2. The property is an odd-shaped corner lot located at the lip of a cul-de-sac. Exhs. 2 and 4. The house faces and driveway access is from the legal side street (Joellyn Court). Exhs. 2 and 9(A) thru (E).
3. Petitioners would like to construct a 15' x 26' one-story addition on the left side of the house, but variances are needed to obtain a building permit. Since the addition would be located 22 feet from the front street line (Oxon Hill Road) and cause the allowed amount of net lot coverage (30%) to be exceeded, variances of 3 feet front yard depth and 2.8% net lot coverage were requested. Exhs. 11 and 12.
4. An existing condition on the property must also be validated to obtain the permit. Since the existing dwelling is 18 feet from the side street, a variance of 7 feet side street yard depth was also requested. Exh. 12.
5. Petitioner Robert Samuels testified that the dwelling was (originally) built as a model home and an addition was added on the right (driveway) side of the house in 1993 or 1994. Exhs. 6 and 18.
6. He stated that his health conditions affect his mobility and it is difficult for him to move about and use the stairs to get to a bathroom because the house is a split level. He stated that the proposed addition will provide easier facility from the bedroom to the bathroom on the left side of the house.
7. Jeff Tice, the Samuels' contractor, testified that the addition would be built as small as possible but sufficiently large to accommodate a bedroom and handicap bathroom. Exh. 19. He stated that if the addition

were to be built on the rear it would be too close to the neighbor. He explained that locating the proposed addition on the left (or Oxon Hill Road) side of the house would leave approximately 35 feet between the addition and the street pavement. *See* Exh. 5.

8. Mr. Tice stated that the addition will continue the lines of the house and built with siding and brick matching the existing house.

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 unusual shape of the property, the property being a corner lot at the lip of a cul-de-sac, the house being built as a model home facing the legal side street, the location of the proposed addition meeting the required street setback requirements, there being insufficient space to construct the addition on the rear of the dwelling, the existing dwelling being a split-level structure which hampers mobility, the need for a bedroom and bathroom on the same level so as to be accessible without taking stairs, a variance also being needed to validate the setback of the existing house from the legal side street, 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 variances of 3 feet front yard depth, 7 feet side street yard depth and 2.8% net lot coverage in order to validate an existing condition and construct a 15' x 26' one-story addition on the property located at Lot 19, Block G, Tor-Bryan Estates Subdivision, being 9106 Oxon Hill Road, Fort Washington, 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 revised elevation plans, Exhibits 20(a) and (b).

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.