

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-68-16 Dale Baskerville

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 27, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on August 9, 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: Petitioner
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

Petitioner: Dale Baskerville

Appeal No.: V-68-16

Subject Property: Lot 5, Sellner's Subdivision, being 6109 Manor Road, Clinton,
Prince George's County, Maryland

Heard and Decided: July 27, 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, 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 a side yard at least 8 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 validate an existing condition, construct two one-story additions and a deck, and repair the roof on the attached garage. Variances of 4 feet side yard width and 2.1% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1946, contains 13,020 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, attached garage and driveway. Exhibits ("Exhs.") 3, 5, 8 and 9. The existing dwelling was built in 1951. Exh. 8.
2. The existing attached garage and driveway make up almost 12% (approximately 1,550 square feet) of the existing net lot coverage. Exh. 12.
3. Petitioner would like to obtain a building permit to construct a 9' x 30.2' one-story addition, 19.4' x 21.1' one-story addition (to replace an existing deck), 6' x 19.4' deck and repair the roof on the existing 18.6' x 22.3' attached garage (Exh. 2), but variances are needed. Since the existing garage is located 4 feet from the side lot line and construction of the additions will cause the maximum allowed amount of net lot coverage (30%) to be exceeded, variances of 4 feet side yard width and 2.1% net lot coverage were requested, respectively. Exhs. 12 and 13.
4. Petitioner stated that his wife has become disabled by rheumatoid arthritis and adding a handicapped accessible walk-in closet, exercise area and den (as part of the construction) would allow her greater independence. Exh. 2.
5. Petitioner testified that his house is one story; he is proposing to construct a 9' x 30.2' one-story addition on the rear. He explained that the rear yard is fenced in and behind his property is a tow lot. (Exhs. 10(B) thru (E)). He explained that the existing deck will be replaced by the 19.4' x 21.1' one-story addition for living space and a new deck added to the rear of that construction.
6. He further testified that the garage is very old and the roof requires repair.

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 house being built many years ago, the existing house being one story, the need for additional handicapped accessible living space, the existing driveway and garage making up a large percentage of the net lot coverage on the property, there being a tow lot to the rear of the property, the existing garage being old and its roof needing to be repaired, 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 4 feet side yard width and 2.1% net lot coverage in order to validate an existing condition, construct a 9' x 30.2' one-story addition, 19.4' x 21.1' one-story addition and 6' x 19.4' deck, and repair the roof on an existing 18.6' x 22.3' attached garage on the property located at Lot 5, Sellner's Subdivision, being 6109 Manor Road, Clinton, 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.