

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-93-16 Oluwadare and Monisola Adeyemo

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: September 28, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on November 7, 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
Glenn Estates Homeowners Association

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

Petitioners: Oluwadare and Monisola Adeyemo

Appeal No.: V-93-16

Subject Property: Lot 20, Block D, Glenn Estates Subdivision, being 6107 Box Oak Court, Lanham,
Prince George's County, Maryland

Witness: Steve George, Exquisite Building Services, Inc.

Heard: September 14, 2016; Decided: September 28, 2016

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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 lot shall have a rear yard at least 20 feet in depth/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. Petitioners propose to validate an existing condition and obtain a building permit to complete construction of a sunroom. Variances of 11 feet rear yard depth/width and .3% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1990, contains 10,177 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 2001. Exh. 8.
2. The property is located within an approved cluster subdivision. Exhs. 4 and 18.
3. The property is an odd-shaped lot located on a cul-de-sac. Exhs. 2, 4 and 10(A) thru (G).
4. Petitioners would like to obtain a building permit to complete construction of an 11.7' x 14.6' sunroom that has begun over a portion of an existing deck (Exhs. 2 and 5(B)), but variances are needed to obtain the permit. Since construction of the sunroom causes the allowed amount of net lot coverage (30%) to be exceeded, a variance of .3% net lot coverage was requested. Exhs. 12 and 13.
5. In addition, a variance is needed to validate the location of the existing deck. Since the deck is located 9 feet from the rear lot line at the closest point, a variance of 11 feet rear yard depth/width was also requested. Exh. 13.
6. The proposed sunroom meets the required rear yard setback. See Exh. 2.
7. Petitioner Monisola Adeyemo testified that Petitioners have lived at the property since 2001.

8. Petitioner Oluwadare Adeyemo testified that the homeowners association (Glenn Estates Homeowners Association) instructed them to obtain the required building permit after construction was started.¹

9. Steve George, Petitioners' contractor, testified that Petitioners are proposing to build a sunroom on an existing deck. He noted that a similar addition was added at another property on the same cul-de-sac (6103 Box Oak Court). Exhs. 19 and 20(A) thru (F). He also explained that the sunroom's exterior will have the same white siding as the house.

10. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and commented: Exhibit 2 correctly reflects the bearings, distances and lot size shown on the record plat of subdivision (Glenn Estates Subdivision – NLP 154 @ 76). The property is subject to Preliminary Plan of Subdivision 4-89027 for a cluster development. The proposed development does not alter the land uses described in the Preliminary Plan of Subdivision and therefore conforms to the applicable record plat note. Zoning Ordinance Section 27-229(b)(27) grants the Board the authority to grant variances for home improvements in cluster developments. The request was also reviewed for conformance with the underlying Detailed Site Plan DSP-89090 and it was determined that it will have no impact on review of the request. Exh. 23.

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 lot, an existing deck on the rear of the house not meeting the rear yard setback requirement, the proposed sunroom being built on the existing deck, the sunroom meeting the required rear yard setback, variances being needed to validate the location of the deck at its closest point to the rear property line and obtain a permit to complete construction of the sunroom, 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, by majority vote, Vice Chairman Scott abstaining, that variances of 11 feet rear yard depth/width and .3% net lot coverage in order to validate an existing condition and obtain a building permit to complete construction of an 11.7' x 14.6' sunroom on the property located at Lot 20, Block D, Glenn Estates Subdivision, being 6107 Box Oak Court, Lanham, Prince George's County,

¹ Glenn Estates Homeowners Association initially denied Petitioners' Architectural Modification Request for the addition of a sunroom. Exh. 17.

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.