

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-135-16 Lisa Robinson

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: November 30, 2016.

CERTIFICATE OF SERVICE

This is to certify that on December 8, 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: Lisa Robinson

Appeal No.: V-135-16

Subject Property: Lot 26, Block B, South-Lawn Subdivision, being 700 Shelby Drive, Oxon Hill,
Prince George's County, Maryland

Witness: Leonard McPherson, Petitioner's son

Heard and Decided: November 30, 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), which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth and a side yard at least 8 feet in width. Petitioner proposes to validate existing conditions and construct a one-story addition. Variances of 8.5 feet side street yard depth and 3 feet side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1953, contains 10,354 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2 and 4.
2. The property is a corner lot with the dwelling (which has an address on the legal side street) facing the corner. Exhs. 2 and 4.
3. Petitioner would like to construct a 13' x 36' one-story addition on the side of the existing dwelling which would be located 16.5 feet from the side street line. A covered front porch is located 22 feet from the side street line and a covered brick patio is located 5 feet from the side lot line. Variances of 8.5 feet side street yard depth and 3 feet side yard width were requested. Exh. 12.
4. Petitioner testified that the proposed addition will function as a family room for her two sons.
5. Petitioner also testified that neighbors who saw the posted hearing signs are in agreement with the addition. Exh. 15.
6. Petitioner believed the addition would not be out of character for the neighborhood.

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 do comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the dwelling sitting at an angle on a corner lot, the need for additional living space, 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 8.5 feet side street yard depth and 3 feet side yard width in order to validate existing conditions and construct a 13' x 36' one-story addition on the property located at Lot 26, Block B, South-Lawn Subdivision, being 700 Shelby Drive, Oxon Hill, 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.