

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-137-16 Elizabeth Lokey

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 13, 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
Beltsville Citizens' Association

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

Petitioner: Elizabeth Lokey

Appeal No.: V-137-16

Subject Property: Lot 11, Block 19, Chestnut Hills Subdivision, being 10908 Montgomery Road, Beltsville, Prince George's County, Maryland

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 lot shall have a front yard 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 deck. Variances of 5 feet front yard depth and 3.5 feet side yard width are requested.

Evidence Presented

1. The property was subdivided in 1947, contains 12,443 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 5, 9 and 10. The existing house was built in 1950. Exh. 9.

2. The house is located to the far right side of the lot. Exh. 2.

3. Petitioner would like to construct an 8' x 10' deck over a portion of a brick patio on the rear of the dwelling. The deck, which would follow the line of the covered frame porch, would be located 4.5 feet from the side lot line. The existing covered front porch is located 20 feet from the front street line. Variances of 5 feet front yard depth and 3.5 feet side yard width were requested. Exh. 2.

4. Petitioner stated that she would like to enter the proposed deck from the kitchen. She explained that she cannot locate the deck to the left (more to the rear of the house) due to the existing location of a window well and air conditioner. Exh. 6 (B). She explained that with the water issues in her basement using a sump pump, she needs access to the basement. Exh. 6 (B).

5. Petitioner testified that the existing steps from the side porch will be removed and new steps will come off the proposed deck behind the house. Petitioner stated that she plans to place pavers from the driveway to the proposed deck (around the rear of the house) in order to access the deck and side entrance of the house. Exh. 2, 6 (B).

6. Petitioner also testified that she will be enclosing the side porch, incorporating that square footage as part of the kitchen and that a building permit has been obtained for that portion of the work. Exhs. 2, 4(a) thru (c), 6 (a) thru (d) and 7.

7. She also stated that she wanted to maintain the integrity and character of the house for the sake of 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 comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the house being built many years ago, the existing location of the house on the lot, the deck following the line of the covered frame porch 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 5 feet front yard depth and 3.5 feet side yard width in order to validate existing conditions and construct an 8' x 10' deck on the property located at Lot 11, Block 19, Chestnut Hills Subdivision, being 10908 Montgomery Road, Beltsville, 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 plans, 3(a) thru (c) (proposed) and 4(a) thru (c) (existing).

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.