

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-144-16 Jack and Linda Bannister

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: January 11, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on January 25, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone
Acting 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: Jack and Linda Bannister

Appeal No.: V-144-16

Subject Property: Lot 87, Block 37, Capitol Heights Subdivision, being 1123 Quo Avenue,
Capitol Heights, Prince George's County, Maryland

Heard: December 14, 2016; Decided: January 11, 2017

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 a variance 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 a variance from Section 27-442(e)(Table IV), which prescribes that each lot shall have a side yard at least 7 feet in width. Petitioners propose to validate an existing single-family dwelling under construction. A variance of 1.11 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 2006, contains 4,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling under construction. Exhibits (Exhs.) 2, 4, 5 (A) thru (B), 9 and 21.
2. The property is a re-subdivision of lots 31, 32 and part of lot 33, Block 37. Exh. 6.
3. Petitioners would like to validate a 28' x 32' two-story dwelling under current construction. The dwelling is located 5.89 feet from the side lot line. A variance of 1.11 feet side yard width was requested. Exhs. 2, 3, 13 and 21.
4. Petitioner Jack Bannister testified that during grading a house location stake was inadvertently knocked down and replaced erroneously, moving the house location one foot closer to the side yard. Exhs. 2 and 21.
5. Petitioner submitted a revised site plan to demonstrate the driveway and front stoop. Exh. 21

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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to a house location marker being inadvertently moved during grading, 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 s of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 1.11 feet side yard width in order to validate a 28' x 32' single-family dwelling under construction on the property located at Lot 87, Block 37, Capitol Heights Subdivision, being 1123 Quo Avenue, Capitol Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 21 and 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.