

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-149-16 Hosea and Carole Thompson

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 23, 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-NCPCC, Permit Review Section
DPIE/Building Code Official, Permitting
Other Interested Parties

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

Petitioners: Hosea and Carole Thompson

Appeal No.: V-149-16

Subject Property: Lot 1, Hawkins Subdivision, being 9924 Rosaryville Road, Upper Marlboro,
Prince George's County, Maryland

Witnesses: Gary Thompson (son)
Jerome Kyler (friend)

Heard and 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(c) (Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to construct a detached garage and driveway extension. A variance of .76% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1964, contains 47,809 square feet, is zoned R-A (Residential-Agricultural) and is improved with a single-family dwelling, driveway and detached garage. Exhibit (Exhs.) 3, 5, 6 (A) thru (G), 8 and 10 (A) thru (H).

2. Petitioners would like to construct a 33' x 33' detached garage and driveway extension.

Construction of the garage and driveway would exceed the amount of lot coverage allowed as prescribed by Section 27-442(c) (Table II). A variance of .76% net lot coverage was therefore requested. Exhs. 3 and 4.

3. Jerome Kyler explained that a driveway easement is located through the length of the Petitioners' lot to access the lot located to the rear. See Exhs. 3, 5 and 10 (A) thru (H).

4. The driveway easement is counted as substantial lot coverage on the subject property. Exhs. 3 and 12.

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

Due to an existing access easement running through Petitioners' property substantially impacting net lot coverage 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, unanimously, that a variance of .76% net lot coverage in order to construct a 33' x 33' detached garage and driveway extension on the property located at Lot 1, Hawkins Subdivision, being 9924 Rosaryville Road, Upper Marlboro, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 3 and approved elevation plan, Exhibit 4.

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.