

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-156-16 Collette Miree

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 25, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on January 30, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division

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

Petitioner: Collette Miree

Appeal No.: V-156-16

Subject Property: Lot 7, Block B, Chester Grove Subdivision, being 3305 Poplar Drive, Upper Marlboro,
Prince George's County, Maryland

Heard and Decided: January 25, 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, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to validate and obtain a building permit for an existing one-story addition. A variance of 5 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 1948, contains 20,000 square feet, is zoned R-R (Rural Residential) and is improved with a single family dwelling, two driveways and a shed. The property is located within the Military Installation Overlay Zone. Exhibits (Exhs.) 2, 4, and 7.
2. An elongated asphalt drive is located in the center of the lot and the dwelling is pinched in the right side of the lot. Exh.2.
3. Petitioner would like to obtain a building permit for an existing 13.3' x 16.4' one-story addition. The addition is located 3 feet from the right side lot line. A variance of 5 feet side yard width was therefore requested. Exhs. 2, 5(A) thru (E) and 11.
4. Petitioner testified that the elongated driveway and addition were already constructed when she purchased the house. Exh. 7.
5. Petitioner further testified that she is selling the property which is now under contract. The buyer's appraiser caught the fact that a building permit was never obtained for the addition.

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 an asphalt drive located in the center of the lot precluding construction of the addition on the right side of the dwelling 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 a variance of 5 feet side yard width in order to validate and obtain a building permit for an existing 13.3' x 16.4' one-story addition on the property located at Lot 7, Block B, Chester Grove Subdivision, being 3305 Poplar Drive, Upper Marlboro, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and approved elevation plans, Exhibits 3 (a) thru (c).

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.