

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-41-17 Lee and Jonie Joyner

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: May 24, 2017 .

**CERTIFICATE OF SERVICE**

This is to certify that on June 28, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone  
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: Lee and Jonie Joyner

Appeal No.: V-41-17

Subject Property: Lot 15, Block E, Bock Manor Subdivision, being 2900 Hempstead Drive, Fort  
Washington, Prince George's County, Maryland

Witness: Jeff Tice (Contractor)

Heard and Decided: May 24, 2017

Board Members Present and Voting: 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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance which prescribes that each lot shall have a rear yard at least 20 feet in depth/width; 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; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 30 feet from the front street line, 2 feet from any side lot line, 2 feet from the rear lot line (if 60 feet or more from the side street line), 10 feet from the rear lot line (if less than 60 feet from the side street line) and generally be located only in the rear yard. Petitioners propose to validate existing conditions and construct a one-story addition. Variances of 12 feet rear yard depth/width for the dwelling, 5.1% net lot coverage, 1 foot rear lot line setback for one accessory building, 8.5 feet rear lot line setback for a second accessory building and a waiver of the rear yard location requirement for both accessory buildings are requested.

**Evidence Presented**

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

1. The property was subdivided in 1960, contains 11,209 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits (Exhs.) 2, 4, 7 and 9 (A) thru (F).
2. The property is a corner lot with the dwelling facing the legal side street, and is slightly irregular in shape as the side lot line is at an angle. Exhs. 2, 4 and 9 (A) thru (F).
3. Petitioners would like to construct a 10' x 15' one-story addition on the rear of the existing dwelling. As the existing development exceeds the amount of lot coverage allowed, construction of the addition would be further overage. A variance of 5.1% net lot coverage was requested. Exhs. 2, 3 (a) thru (d) and 13.
4. The existing dwelling is located 8 feet from the rear lot line, one shed is located 1 foot from the rear lot line, a second shed is located 57 feet from the side street line and 1.5 feet from the rear lot line and both sheds are located partially in the side yard. Variances of 12 feet rear yard depth/width for the dwelling, 1 foot rear lot line setback for one accessory building, 8.5 feet rear lot line setback for a second accessory building and a waiver of the rear yard location requirement for both accessory buildings were requested. Exhs. 2, 3 (a) thru (d) and 13.

5. Contractor Jeff Tice testified the Petitioners would like to construct a 10'x15' addition on the rear of the house enlarging the master bedroom to include an on-suite bathroom. The addition will not extend past the current house line. Exhs. 2 and 3 (a) thru (d).

6. Mr. Tice further explained that because of Mrs. Joyners' medical condition a compliant handicap accessible on-suite bathroom is necessary. Exhs. 2 and 3 (a) thru (d).

#### 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 owners 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 the need for a compliant handicap accessible bathroom for the Petitioner, the lot being an irregularly shaped corner lot 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, by majority vote, Ms. Bobbie Mack absent, that variances of 12 feet rear yard depth/width for the dwelling, 5.1% net lot coverage, 1 foot rear lot line setback for one accessory building, 8.5 feet rear lot line setback for a second accessory building and a waiver of the rear yard location requirement for both accessory buildings in order to validate existing conditions and construct a 10' x 15' one-story addition on the property located at Lot 15, Block E, Bock Manor Subdivision, being 2900 Hempstead Drive, Fort Washington, 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 approved elevation plans, Exhibits 3 (a) thru (d).

#### BOARD OF ZONING APPEALS

By: (Original Signed)  
Albert C. Scott, Vice Chairman

#### 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.