

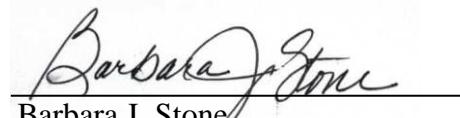
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-87-17 Marlon and Joycelyn Alexander

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: August 23, 2017.

CERTIFICATE OF SERVICE

This is to certify that on August 29, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioners
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

Petitioners: Marlon and Joycelyn Alexander

Appeal No.: V-87-17

Subject Property: Lots 11, 12 & 13, Block D, Sansbury Park Subdivision, being 3107 Newkirk Avenue, District Heights, Prince George's County, Maryland

Witness: Patrick Bernard, Resident

Heard: August 9, 2017; Decided: August 23, 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 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition and obtain a permit for a one-story addition. A variance of 29.3% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1924, contains 9,375 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits, (Exhs.) 2, 4, 8 and 10 (A) thru (F).
2. Petitioners would like to obtain a building permit for a 13.2' x 14.4' one-story addition constructed on the rear of the dwelling. As the existing development exceeded lot coverage requirements, construction of the addition was a further overage. A variance of 29.3% net lot coverage was requested. Exhs. 2, 3 and 5 (A) thru (F).
3. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a Violation Notice on June 10, 2017, requiring Petitioners to obtain the required permit(s) for work done or remove. Work included but was not limited to the rear addition. Exh. 6.
4. Petitioner Joycelyn Alexander testified that the addition/extension was built a couple of months ago for their young granddaughter who is now sharing a bedroom with petitioners. Exhs. 2, 3, 5 (A) thru (E) and 10 (A) thru (F).
5. The driveway encompasses an unusually large portion of the subject property. Exh. 2. Ms. Alexander explained that the driveway existed at the time of purchase and provides vehicular access to four

adjoining properties (Lots 3-10 Block D of Record Plat 2 @ 84). She opined that the prior owner owned these lots together at one time. Exhs. 2, 5 (A) thru (E) and 10 (A) thru (F).¹

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 the need for expanded living space, the extensive driveway up until now and currently providing vehicular access to adjoining lots 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 29.3% net lot coverage to validate an existing condition and obtain a permit for a 13.2' x 14.4' one-story addition on the property located at Lots 11, 12 & 13, Block D, Sansbury Park Subdivision, being 3107 Newkirk Avenue, District Heights, 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 plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: (Original Signed)

Bobbie S. Mack, Chairperson

¹ The Maryland-National Capital Park and Planning Commission, Subdivision Section, provided technical assistance (Exh. 20) and found the following:

"The record plat for the property does not include any right-of-way or easement encumbering the subject property to provide access to Lots 3-10. However, this does not preclude private agreements or dedication by deed, not pursuant to subdivision, which may have provided for an encumbrance on the subject property. Typically, such an agreement or dedication would need to be determined by a title search."

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.