

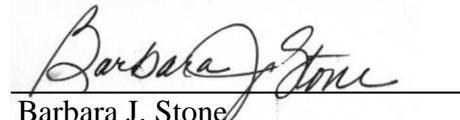
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-98-17 Linda Blake

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 9, 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: Petitioner
Adjoining Property Owners
M-NCPBC, 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

Petitioner: Linda Blake

Appeal No.: V-98-17

Subject Property: Lot 24, Block U, Birchwood City Subdivision, being 5637 Helmont Drive, Oxon Hill,
Prince George's County, Maryland

Witness: Wymon Kelley, Friend

Heard and Decided: August 9, 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 front yard at least 25 feet in depth. Petitioner proposes to construct a one-story addition. A variance of 3 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1959, contains 7,670 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8 and 10 (A) thru (F).

2. Petitioner Linda Blake would like to construct a 4.2' x 7.7' one-story addition at the front entrance of the dwelling. The addition would be located about 22 feet from the front street line. A variance of 3 feet front yard depth is requested. Exhs. 2, 3, 5 and 10 (A) thru (F).

3. Petitioner testified that she is proposing to enclose the front porch. She currently cares for her brother, who is confined to a wheelchair and is an amputee. She explained that enclosing the porch will allow easier access by her and her brother into the dwelling during inclement weather. She opined that with a larger foyer she will be able to bring him in the house with room to close the front door. She noted that because the dwelling has a small split foyer, her brother must immediately decide whether he wants to go upstairs or downstairs to his bedroom when entering the dwelling. Exhs. 2, 3, 5 and 10 (A) thru (F).

4. Currently there is a temporary moveable ramp to access the entryway. Exh. 2

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 Petitioner's brother being confined to a wheelchair, the need for additional foyer space to allow quick and easy handicapped access and decision making upon entering 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 3 feet front yard depth to construct a 4.2' x 7.7' one-story addition on the property located at Lot 24, Block U, Birchwood City Subdivision, being 5637 Helmont Drive, Oxon Hill, 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

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.