

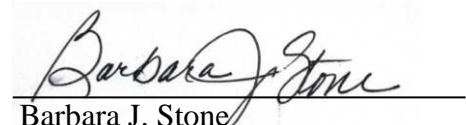
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-118-17 Purvis Rollins

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: October 25, 2017.

CERTIFICATE OF SERVICE

This is to certify that on October 31, 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-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

Petitioner: Purvis Rollins

Appeal No.: V-118-17

Subject Property: Lot 1, Block G, Maplewood Subdivision, being 3600 Wayneswood Road, Fort Washington, Prince George's County, Maryland

Witnesses: Jean Jamieson-Rollins

Jeffery Watson, Quality Assurance Home Improvements

Heard: October 11, 2017; Decided: October 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 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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV), which prescribes that each lot shall have a rear yard at least 20 feet in depth/width; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side or rear lot line and generally be located only in the rear yard, or in the yard opposite the designated front of the main building on corner lots where the designated front of the main building faces the side street. Petitioner proposes to validate existing conditions and construct two two-story additions and an upper level deck. Variances of 11.7 feet rear yard width for the addition, a variance of 23.35 feet front street line setback and a waiver of the rear yard location requirement for one accessory building, a variance of 1 foot side lot line setback for a second accessory building and a waiver of the rear yard location requirement for a third accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 15,071 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and five sheds. The property is a corner lot with the dwelling facing the legal side street (Wayneswood Road). Exhibits (Exhs.) 2 4, 8, 10 (A) thru (F) and 19.

2. Petitioner would like to construct a 16' x 24.90' two-story addition on the side of the dwelling and a 14' x 20' two-story dwelling on the rear of the dwelling with a 6' x 20' upper level deck. The addition on the side of the dwelling would be located 8.3 feet from the rear lot line. A variance of 11.7 feet rear yard depth/width was requested. Exhs. 2, 3 (a) thru (b), 6 and 19.

3. One existing shed is located 36.65 feet from the legal front street (Pennswood Drive) and is beside the dwelling. A variance of 23.35 feet front street line setback and a waiver of the rear yard location requirement for one accessory building were requested. Exhs. 2 and 19.

4. Another existing shed, behind the dwelling, is located 1 foot from the side lot line. A variance of 1 foot side lot line setback for a second accessory building was requested. Exhs. 2 and 19.

5. A waiver of the rear yard location requirement was also requested for a third accessory building, which is located on the other side of the dwelling abutting Lot 2. Exhs. 2 and 19.

6. Contractor Jeffery Watson testified that he is constructing two additions for the Petitioner. He further stated due to the house being located on a corner lot and is not meeting the side yard setback because of the addition. Exhs. 2, 3 (a) thru (b) and 19.

7. Petitioner Purvis explained that his wife's 90-year-old uncle resides in the home with them and they are in the need for additional square footage for an additional bedroom. Exhs. 2, 3 (a) thru (b) and 19.

8. Jean Jamieson-Rollins testified that they just recently married so blending two homes they needed the sheds to store additional items. Exhs. 2 and 19.

9. Contractor Jeffery Watson stated that he will be submitted revised site plan demonstrating steps coming off the deck. Exhs. 19.

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 the need to add additional living space to accommodate and care for an elderly family member, 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, by majority vote, Ms. Anastasia Johnson abstaining, that variances of 11.7 feet front street line setback, 23.35 feet side lot line setback, 1-foot rear lot line setback, a waiver of the rear yard location requirement in order to validate existing conditions and construct a 16' x 24.90' two-story addition, a 14' x 20' two-story dwelling and a 6' x 20' upper level deck on the property located at Lot 1, Block G, Maplewood Subdivision, being 3600 Wayneswood Road, 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 19 and approved elevation plans, Exhibits 3 (a) thru (b).

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.