

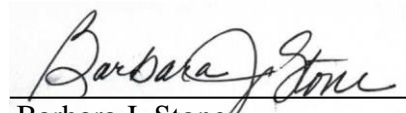
*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-154-17 James and Myrtle Charles

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 24, 2018 .

**CERTIFICATE OF SERVICE**

This is to certify that on February 9, 2018 , 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  
City of Mount Rainier

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

Petitioners: James and Myrtle Charles

Appeal No.: V-154-17

Subject Property: Lot 8, Block 1, Mount Rainier Subdivision, being 4037 34th Street, Mount Rainier,  
Prince George's County, Maryland

Municipality: City of Mount Rainier

Heard: November 29, 2017; Decided: January 24, 2018

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, 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 front yard at least 25 feet in depth and a side yard at least 7 feet in width, and 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 existing conditions and construct a driveway. Variances of 12.5 feet front yard depth, 2 feet side yard width and 5.7% net lot coverage are requested.

**Evidence Presented**

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

1. The property was subdivided in 1905, contains 6,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and gravel area. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).
2. The shape of the lot is long and narrow. Exhs. 2 and 3.
3. Petitioners would like to construct a 25' x 30' concrete driveway, replacing the gravel area off the alley to the rear of the property. As the existing development on the property exceeds the amount of lot coverage allowed, and construction of the driveway would be further overage, a variance of 5.7% net lot coverage was requested. Exhs. 2, 4 (A) thru (B) and 11.
4. The existing dwelling is located 12.5 feet from the front street line and 5 feet from the left side lot line. Variances of 12.5 feet front yard depth and 2 feet side yard width were requested. Exhs. 2, 4 (A) thru (B) and 11.
5. The City of Mount Rainier voted to support the request for variance. Exhs. 19, 20 and 21.
6. Petitioner Myrtle Charles testified that the driveway would be constructed in the rear yard which abuts the alley to the rear of the yard. Exh. 2.
7. She explained that having alley way access to the property allows access to the rear yard for parking. 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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the lot being long and narrow, the dwelling being only 12.5 feet from the front street line, the left side yard being only 5 feet, 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 variances of 12.5 feet front yard depth, 2 feet side yard width and 5.7% net lot coverage to validate existing conditions and construct a 25' x 30' driveway on the property located at Lot 8, Block 1, Mount Rainier Subdivision, being 4037 34th Street, Mount Rainier, 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.

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.