

NOTICE OF FINAL DECISION

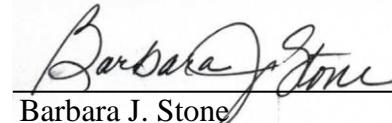
OF BOARD OF APPEALS

RE: Case No. V-193-17 Allison Meyer

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: February 28, 2018.

CERTIFICATE OF SERVICE

This is to certify that on March 14, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Barbara J. Stone
Administrator

cc: Petitioner
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

Petitioner: Allison Meyer

Appeal No.: V-193-17

Subject Property: Lot 45, Second Addition to Calvert Manor Subdivision, being 142 Farmington Road,
Accokeek, Prince George's County, Maryland

Counsel for Petitioners: Nicholas Scull, Esq. Counsel for (absent) Petitioner

Witness: Justin Meyer, Petitioner's Husband

Heard and Decided: February 28, 2018

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 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 side yard at least 8 feet in width. Petitioner proposes to validate an existing condition, obtain a building permit to complete construction of a 2nd-floor addition and construct an attached garage and driveway extension. A variance of 4 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 1949, contains 19,390 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 10, 11 and 12 (A) thru (F).

2. The property is a corner lot, with the legal front street listed as the address even though the dwelling faces the legal side street. Exhs. 2, 5 (A) thru (F), 6 and 12 (A) thru (F).

3. Petitioner would like to construct a 20'6" x 24' attached garage and driveway extension. The garage would be located 6 feet from the side lot line. A variance of 4 feet side yard width was requested. Exhs. 2, 3 (a) thru (c) and 13.

4. Attorney Scull stated that the subject property was abandoned for about 14 years before Petitioner purchased the property approximately one year ago. The prior owner received a variance to allow construction of a second floor on the property and garage.¹ Mr. Scull stated that the previous owner did not complete the construction and Ms. Meyer would like to finish the project. Because the project was not finished within the period of the previous appeal, request for the current variance is now necessary. Exhs. 2 and 3 (a) thru (c),

5. Mr. Scull further stated that neighbors consider the subject property an eyesore. Exhs. 5, (A) thru (F), 6 and 12 (A) thru (F).

¹ The Board approved a side yard variance in 2008 (Appeal No. V-115-08) for construction of a second-floor addition and attached garage. Exh. 8.

6. Mr. Meyer stated that about 90% of the framing and interior walls have been completed.

7. Mr. Scull added that the County has threatened demolition of the property.

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 unusual shape of the lot, the property being a corner lot, the house facing the legal side street, the shallowness of the legal side yard, the house in need of repair and renovation, the prior appeal having lapsed and no material change has occurred relating to the property 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. Bobbie Mack absent, that a variance of 4 feet side yard width to validate an existing condition, obtain a building permit to complete construction of a 2nd-floor addition and construct an attached garage and driveway extension on the property located at Lot 45, Second Addition to Calvert Manor Subdivision, being 142 Farmington Road, Accokeek, 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 plans, Exhibits 3 (a) thru (c).

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.