

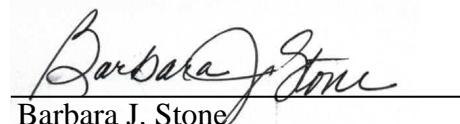
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-1-18 James and Sandra Warren

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: April 25, 2018.

CERTIFICATE OF SERVICE

This is to certify that on June 6, 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

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

Petitioners: James and Sandra Warren

Appeal No.: V-1-18

Subject Property: Part of Lot 4, Polar Ridge Subdivision, being 5918 Old Croom Station Road, Upper Marlboro, Prince George's County, Maryland

Witnesses: Cayla King, Neighbor

Kiva Slade, Neighbor

JWB Richardson, Neighbor

Heard: April 11, 2018; Decided: April 25, 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 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 17 feet in width. Petitioners propose to validate an existing condition and obtain a use and occupancy permit for an existing guest house. A variance of 17 feet side yard width is requested.

Evidence Presented

1. The property contains 219,542.4 square feet (5.04 acres), is zoned R-A (Residential-Agricultural) and is improved with a single-family dwelling, driveway, guest house and shed. Exhibits (Exhs.) 2, 4, 12, 13 and 14 (A) thru (F).

2. The property was subdivided in 1983. Exh. 4.

3. Petitioners would like to obtain a use and occupancy permit for a 24.3' x 36.3' guest house, which is located next to the house along the side lot line. A variance of 17 feet side yard width was requested. Exhs. 2, 3 (a) thru (c), 5 (A) thru (C) and 15.

4. Petitioner James Warren testified that the shed¹ was converted in to a guest house² and existed at the time of purchase of the subject property in 2003. Exhs. 2, 3 (a) thru (c), 5 (A) thru (C).

5. Based on the permit history of the subject property, on December 18, 2017, Mr. Warren applied for a building permit 59212-2017-0 with the Department of Permits, Inspections and Enforcement, for the interior work and the use of the guest house. Exh. 11.

6. The neighbors objected to the guest house for various reasons.

¹ The prior permit history shows that a valid permit was obtained for the shed (8364-1996-RG). Exh. 11.

² Section 27-441(b) of the Prince George's County Zoning Ordinance states that a guest house, as an accessory use, is permitted by right in R-A zoned 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 use of guest house being permitted by right in the R-A Zone and Petitioners' need to validate the existing location of the guest house to obtain a use and occupancy permit 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 17 feet side yard width in order to validate an existing condition and obtain a use and occupancy permit for an existing 24.3' x 36.3' 24.3' x 36.3' guest house on the property located at Part of Lot 4, Polar Ridge Subdivision, being 5918 Old Croom Station Road, Upper Marlboro, 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)

Bobbie S. Mack, ChairpersonNOTICE

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.