

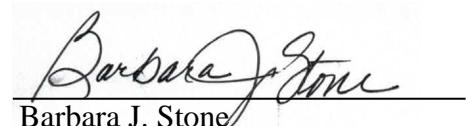
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-6-18 Robert Keegan and Janice Nierstedt-Keegan

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 May 30, 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
Carl Dupree, American Sign Language Interpreter
Michael Gallagher, Architect

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

Petitioners: Robert Keegan and Janice Nierstedt-Keegan

Appeal No.: V-6-18

Subject Property: Lot 3, Sylvan Woods Subdivision, being 16704 Swanson Road, Upper Marlboro, Prince George's County, Maryland

American Sign Language Interpreter Services: Carl Dupree

Witnesses: Michael Gallagher, AIA, Gardenia Victoria, LLC.

Heard and 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 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 corner lot shall have a front yard at least 50 feet in depth and a side yard along the side street at least 50 feet in depth, and Section 24-129(a)(5), which prescribes that a 25 foot setback from the floodplain shall be established for residences as a building restriction line. Petitioners propose to validate existing conditions (setbacks for the dwelling) and construct a one-story addition, garage expansion, an open wrap-around porch and two decks. Variances of 29.1 feet front yard depth, 26.4 feet side street yard depth and 30 feet for the floodplain easement setback are requested, respectively.

Evidence Presented

1. The property was subdivided in 1981, contains 205,509 square feet (4.72 acres), is zoned O-S Open Space) and is improved with a single-family dwelling, two driveways, barn and old cabin. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).

2. The property is an odd shaped lot with the northern portion of the subject property abutting a 100 Year Floodplain. Swan Road curves around the front of the property. Exh. 2.

3. Petitioners would like to construct a 20'5" x 60'11"8" x 12'11' one-story addition, 8' x 14' garage expansion, 5' x 72'5" x 15'5" x 29' open wrap-around porch, 3' x 22' deck and 11'6" x 12'11' deck.¹ The existing dwelling, as well as some of the proposed structures, also do not meet the 25-foot setback requirement.² A variance of 30 feet for the floodplain easement setback is requested. Exhs. 2, 3 (a) thru (b), 5 and 12.

3. Although the existing dwelling is located 28 feet from the front street line and 42 feet from the side street line, the garage expansion will be located 20' 9 3/16" from the front street line and the

¹ The larger deck will extend 5 feet into the floodplain easement. Exh.2.

² Because of the odd shape of the lot and the existing location structures on the lot the Board previously approved, in V-26-12, a variance of 22 feet front yard depth and a waiver of the rear yard requirement for an accessory building. Exhs. 6 and 7.

addition/porch would be located 23' 5 7/8" from the side street line. Variances of 29.1 feet front yard depth and 26.4 feet side street yard depth were requested. Exhs. 2, 3 (a) thru (b), 5 and 12.

4. Architect Michael Gallagher stated that the dwelling was originally built in 1951, is very small and the Keegans would like to double the size of the home to increase the number of bedrooms for their family, which includes two teenage daughters. Exhs. 2, 3 (a) thru (b) and 5.

5. Mr. Gallagher further stated that the house currently has only one bathroom. He explained that the carport will be converted into a garage and the proposed addition to the right side of the house will be the new living room and kitchen. He also explained that the house will remain a 1-story dwelling. Exhs. 2, 3 (a) thru (b) and 5.

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 owners 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 original home being built in 1951, the odd shape of the lot, the need for expanded living space for the family, a 100-year flood plain running along the side property line 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 29.1 feet front yard depth, 26.4 feet side street yard depth and 30 feet for the floodplain easement setback in order to validate existing conditions (setbacks for dwelling) and construct a 20'5" x 60'11'8" x 12'11' one-story addition, 8' x 14' garage expansion, 5' x 72'5" x 15'5" x 29' open wrap-around porch, 3' x 22' deck and 11'6" x 12'11' deck on the property located at Lot 3, Sylvan Woods Subdivision, being 16704 Swanson Road, Upper Marlboro, 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 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.