

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

Petitioner: Susan Lord Morris

Appeal No.: V-16-19

Subject Property: Lot 13, Block B, McCahill Estates Subdivision, being 16309 Dahl Road, Laurel,
Prince George's County, Maryland

Witnesses: Adrienne Morris, Petitioner's Husband

Kenneth Harrison, Inspector, Department of Permitting, Inspections and Enforcement (DPIE)

George Gerber, Engineer

Raphael Egbaiyelo, Architect/Designer

Crystal Mayes, Architect/Intern

Thad Mann, Neighbor

Heard and Decided: March 20, 2019

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(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate an existing condition (dwelling) and obtain a building permit for a new one-story addition. A variance of 3.4% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1966, contains 10,000 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, patio, carport, shed and driveway. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).

2. Petitioner would like to validate an existing condition (dwelling) and obtain a building permit for a new one-story addition. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (C).

3. Consent Order to Enforce Compliance with Code (Case No SP05-02-8457-18) required Petitioner to "obtain the required permit(s) for work done or remove the same. Work includes but not limited to exterior, interior renovations (roof, side addition) dumpster in the driveway without the required permits and inspections". Exh. 7.

4. Crystal Mayes stated that variance for 3.4 % net lot coverage is requested to validate the existing one-story addition which will be used as living area by the Petitioner's father who suffers from Alzheimer's. She explained that because of the previous configuration of Ms. Morris's father's bedroom; when an emergency previously arose, paramedics were unable to get the stretcher into the home. She stated that when roof repairs were needed (water leak from the roof), the handicapped accessible room (addition) for Ms. Morris's father was also added to the construction. She noted that the addition was constructed over an

existing concrete pad and added only 66 square feet to the (dwelling) structure. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (C).

5. Petitioner Susan Morris stated that the addition also provides an accessible emergency entrance/exit for the family. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (C).

6. Thad Mann, who lives at 16311 Dahl Road, Laurel, testified that the addition enhances the appearance of the subject property and supports the request for the variance.

7. Several neighbors submitted letters in support of the addition. Exhs. 20, 21 and 22.

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 need for a handicapped accessible living area and entrance/exit for a family member with Alzheimer's 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, unanimously, that a variance of 3.4% net lot coverage in order to validate an existing condition and obtain a building permit for a new one-story addition on the property located at 16309 Dahl Road, Laurel, 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, 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.