



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

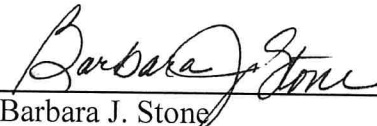
OF BOARD OF APPEALS

RE: Case No. V-19-19 Frank & Bessie Swann

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: March 20, 2019.

CERTIFICATE OF SERVICE

This is to certify that on April 30, 2019, 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
Park and Planning Commission

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

Petitioners: Frank & Bessie Swann

Appeal No.: V-19-19

Subject Property: Lot 27, Block F, Simmons Acres Subdivision, being 18300 Charity Lane, Accokeek
Prince George's County, Maryland

Witness: Tim Goins, Patio Enclosures

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 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 variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. 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. Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 100 feet measured along the front building line. Petitioners propose to validate existing conditions (development) and construct an enclosed deck (sunroom). Variances of 8 feet rear yard depth/width, .24% net lot coverage and 20 feet lot frontage are requested.

Evidence Presented

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

1. The property was subdivided in 1986, contains 12,038 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, patio and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The lot is a corner lot with the dwelling facing the legal front (Barney Drive). Exhs. 2, 3 (a) thru (b).
3. Tim Goins, Patio Enclosures, stated that the Petitioners would like to construct a proposed 16' x 13' enclosure on a new deck (sunroom). Due to the location of the dwelling on the corner, with the rear yard only having 28' in depth, the sunroom will encroach the rear yard setback. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (M)
4. Mr. Goins further stated that the Swann's currently have 30 grandchildren, plus great grandchildren. Having such a large family with a very small rear yard, being a corner lot, the dwelling sits with approximately 70% of its property on road frontage verses the back yard. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (M)
5. Mrs. Bessie Swann stated that currently there is a concrete patio in the location of the proposed sunroom. She explained that they are the elders of a very large, close knit family. They have gatherings almost every weekend, every holiday. They have just run out of room. The sunroom will allow an additional living area. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (M)
6. Email from Community Manager, Lisa Williams (Legum & Norman) for Simmons Acres HOA has provided their approval of the proposed sunroom. Exh. 17.

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 property being a corner lot with the dwelling facing the legal front, the rear placement of the dwelling creating a very small rear yard 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(s) of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a variance of 8 feet rear yard depth/width, .24% net lot coverage and 20 feet lot frontage in order to construct a proposed 16' x 13' enclosure on a new deck (sunroom) on the property located at Lot 27, Block F, Simmons Acres Subdivision, being 18300 Charity Lane, Accokeek, Prince George's County, Maryland, be and is 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: Bobbie S. Mack
Bobbie S. Mack, Chairperson *OA*

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.