

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

Petitioners: David and Anita Williams

Appeal No.: V-21-19

Subject Property: Lot 8, Johnson Subdivision, being 12290 North Keys Road, Brandywine,
Prince George's County, Maryland

Heard and Decided: April 3, 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 a variance from Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be generally be located only in the rear yard, or in the yard opposite the designated front of the main building. Petitioners propose to validate an existing condition (shed), reconstruct a two-story dwelling, construct a two-story addition, covered front porch, sunroom and wood deck. A waiver of the rear yard location requirement for an accessory building is requested.

Evidence Presented

1. The property was subdivided in 1978, contains 287,191 square feet, is zoned O-S (Open Space) and is improved with a single-family dwelling (foundation only), driveway and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioners would like to validate an existing condition (shed), reconstruct a two-story dwelling (23'.7 x 51' x 15'.6 x 24'), construct a two-story addition (20' x 82'), covered front porch (50' x 8'), sunroom (20'.25 x 14') and wood deck (27'.92 x 14'). The subject dwelling was destroyed by fire. Exhs. 2, 3 (a) thru (d), 5 (A) thru (I).

3. Petitioner Anita Williams testified that their entire house was destroyed in June of 2017. She stated that the new house will be built on the same foundation but will be altered from a two-story house and a basement to a one-story dwelling and a basement with an addition on the rear. She stated that a covered front porch, a sunroom and deck will also be constructed. Exhs. 2, 3 (a) thru (d), 5 (A) thru (I).

4. Ms. Williams explained that the reason for the addition is to add a bedroom on the 1st floor to accommodate her disability.

5. Ms. Williams stated that because of the slope and trees in the rear yard the existing shed cannot be relocated in the rear yard. Exhs. 2, 3 (a) thru (d), 5 (A) thru (I).

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 slope and trees in the rear yard preventing the relocation of the shed in the rear yard, the destruction by fire of the house and construction of a new home designed for the current needs and enjoyment of family members 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 waiver of the rear yard location requirement for an accessory building in order to validate an existing condition (shed), reconstruct a two-story dwelling, construct a two-story addition, covered front porch, sunroom and wood deck. on the property located at Lot 8, Johnson Subdivision, being 12290 North Keys Road, Brandywine, 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 (d).

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.

