

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

Petitioner: 414 Carmody Hills Drive, LLC

Appeal No.: V-27-19

Subject Property: Lots 8, 9, 10, Block N, Carmody Hills Subdivision, being 414 Carmody Drive, Seat Pleasant, Prince George's County, Maryland

Counsel for Petitioner: Scott L. Little, Esq

Witness: Tia McGee, Limited Partner

Heard and Decided: April 17, 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, Petitioner requests 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 front yard at least 25 feet in depth. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Variances of 3.5 feet front yard depth and 8% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1925, contains 5,000 square feet, is zoned R-55 (One-Family Detached, Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 5, 8, 9 and 10 (a) thru (F).

2. Petitioner would like to validate existing conditions (dwelling and development) and construct a 1-story addition on the rear of the dwelling. Exhs. 2, 3 (a) thru (c) and 6 (A) thru (C).

3. Attorney Scott Little stated that the dwelling is only 900 square feet and the proposed addition will increase the living area by approximately 750 square feet (for a family of four). The 22' x 25' addition is located on the rear of the dwelling. He stated the house was built in the 1950s and the option of adding a second story would be costly and speculated whether the current structure could support a second story without major structural support. Exhs. 2, 3 (a) thru (c) and 6 (A) thru (C).

4. Tia McGee testified that the addition would not be out of character with the community as most houses in the immediate area have additions as large as the proposal. Exhs. 2, 3 (a) thru (c) and 6 (A) thru (C).

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 small size of the dwelling (900 square feet) that was built in the 1950s, the need for additional living space 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 variances of 3.5 feet front yard depth and 8% net lot coverage in order to validate existing conditions (dwelling and development) and construct 1-story addition on the property located at 414 Carmody Drive, Seat Pleasant, 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, Exh. 2 and approved elevation plans, Exhs. 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.