

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

Petitioner: Jacquelyn Shaw

Appeal No.: V-28-19

Subject Property: Lot 49, Block 10, Kettering Subdivision, being 112 Castleton Drive, Upper Marlboro,  
Prince George's County, Maryland

Witnesses: Robert Clark, Friend

Lenair Williams, Architect

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) prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioner proposes to validate an existing condition (dwelling) and obtain a building permit for a new addition. A variance of 2 feet rear yard depth/width is requested.

**Evidence Presented**

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

1. The property was subdivided in 1968, contains 8,520 square feet, is zoned R-80 (One Family Detached Residential) and is improved with a single-family dwelling, driveway. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (IG).

2. The property is located on a slope which slants towards the street. The rear property line is angled running closer to the house where the addition is located. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (I).

3. Petitioner would like to obtain a permit to validate the one-story addition attached on the rear of the dwelling. Exhs. 2, 3 (a) thru (c), 5 (A) thru (I).

4. Department of Permitting, Inspection and Enforcement issued Building Violation Notice No. 61038-2018, dated December 22, 2018, requiring Petitioner to "obtain the required permit(s) for work done or remove the same. Work includes but not limited to a new rear addition, HVAC and duct work". Exh. 6.

5. Mr. Robert Clark testified that Petitioner and her deceased husband have always desired to enjoy an area in the rear. He explained that Petitioner's Church members assisted in building the structure, but she was unaware of the requirement for a building permit. He stated that the addition was built over an existing concrete slab with the same footprint. He further stated that because the rear lot line is at an angle, a two-foot variance is required. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (I).

5. Ms. Jacquelyn Shaw explained that the addition will be used for family gatherings and devotional time.

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 shape (angle) of the rear yard, the addition was built on the foot print of an existing slab, the desire to enjoy the property 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 2 feet rear yard depth/width in order to validate an existing condition (dwelling) and obtain a building permit for a new addition on the property located at Lot 49, Block 10, Kettering Subdivision, being 112 Castleton Drive, Upper Marlboro, 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)

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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.