

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

Petitioners: Patricia & Rickie America, Sr.

Appeal No.: V-29-19

Subject Property: Lot 33, Block B, The Poplars Subdivision, being 10600 Broadleaf Drive, Upper Marlboro, Prince George's County, Maryland

Witnesses: Alice Green Dantly, Neighbor

Jean Ferguson, Neighbor

Deborah Ferguson, Neighbor

Heard: May 8, 2019; Decided: May 22, 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(e)(Table IV) which prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate existing conditions (dwelling, development) and construct a two-story addition. Variances of 5 feet left side yard and 1.1-foot right side yard width and 6% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1973, contains 9,895 square feet, is zoned R-80 (One -Family Detached Residential) and is improved with a single-family dwelling, driveway and attached open carport with garage. Exhibits (Exhs.) 2, 4, 6, 7 and 8 (A) thru (G)

2. The property is an odd pie shaped lot with the lot narrowing toward the rear of the property and the front property line curving with Broadleaf Drive. The location of the dwelling unit limits the side yard setbacks. Exhs. 2 and 4.

3. Petitioners would like to construct a two-story addition on the rear of the dwelling. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (G).

4. Petitioner Rickie America stated that they are proposing to add a two-story addition (22' x 42') to the rear of their house over the same footprint of an existing concrete patio. The subject property was purchased in 1982 as a starter home. Petitioner described the bedroom and bathrooms being very small. He testified that he and his wife have health concerns and now need an expanded bathroom and bedroom that are accessible to a wheelchair. In addition, they desire to expand the kitchen. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (G).

5. Petitioner Rickie America further stated that the addition will expand 22' out from the existing back wall of the dwelling and 42' across. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (G).

6. The revised site plan and elevation plan demonstrate a sliding glass door from the second level with a small deck and stairs to the rear yard which will provide safety and emergency egress from the home. Exhs. 16 and 17.

7. Alice Dantly (10604 Broadleaf Drive), Deborah Ferguson, (10518 Broadleaf Drive) and Jean Ferguson, (10518 Broadleaf Drive) raised concern about the possibility of the movement of the construction equipment or vehicles adversely affecting their properties, respectively. Otherwise, each neighbor did no object to the proposed construction of the addition. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (G).

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 odd shape of the lot (limiting yard setbacks), the need for additional and expanded living space that is handicap accessible and the need for a second-floor emergency exit in the rear 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 variances of 5 feet left side yard and 1.1-foot right side yard width and 6% net lot coverage in order to validate existing conditions (dwelling, development) and construct a two-story addition on the property located at as Lot 33, Block B, The Poplars Subdivision, being 10600 Broadleaf Drive, Upper Marlboro, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 16 and approved revised elevation plan, Exhibit 17.

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.