

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

Petitioner: Hazel-Ann Morain

Appeal No.: V-40-19

Subject Property: Parcel 0235, Tax Map Grid: 117B1, being 8132 Woodyard Road, Clinton,
Prince George's County, Maryland

Heard and Decided: June 12, 2019

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions (dwelling and development) and obtain a building permit for a new one-story addition. A variance of 6.7% net lot coverage is requested.

Evidence Presented

1. The property was subdivided in (Parcel 0235, Liber 39453, Folio F.1), contains 15,919 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, and a new one-story addition. Exhibits (Exhs.) 2, 4, 5, 6, 9, 10 and 11 (A) thru F.

2. Petitioner would like to construct a one-story addition to the front of her home. Because the property is already over lot coverage, the addition will create further overage and a variance of 6.7% net lot coverage is required. Exhs. 2, 3, and 7 (A) thru (G).

3. The recorded deed under Liber 39453 Folio 1 has a 22-foot right-of-way for ingress and egress, which includes 3,522 square feet on the subject parcel. The right-of-way begins at Parcel 35 through the subject Parcel 235 and continues behind the subject property to Parcel 236. Exhs. 4, 5 and 6.

4. Petitioner Hazel Ann Morain testified that the addition (which is an extension of two bedrooms) was completed in 2018 and after learning that permits were required, she filed for building permits. She stated that % of lot coverage is influenced because of the shared driveway with 3 properties, of which the subject property is in the middle. Exhs. 4, 5 and 6.

5. She stated that the bedrooms were very small and additional square footage for living space was needed for her family. Exhs. 2, 3, and 7 (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 a 3,522 square foot recorded right of way for ingress and egress running through the subject parcel which increases the % of lot coverage area substantially 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, by majority vote, Ms. Anastasia Johnson absent, that a variance of 6.7% net lot coverage in order to validate existing conditions (dwelling and development) and obtain a building permit for a new one-story addition on the property located at Parcel 235, Tax Map 117; Grid B1, being 8132 Woodyard Road, Clinton, 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 plan, Exhibit 3.

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.