

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

Petitioner: Debra Aker (Chedester)

Appeal No.: V-56-19

Subject Property Lot 16, Block A, Dale-Glenn Park Subdivision, being 16700 Glenn Court, Accokeek, Prince George's County, Maryland

Witness: Jeffrey Chedester, Husband

Heard and Decided: July 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, Petitioner requests that the Board approve variances from Section 27-442(c)(Table II) which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be 2 feet from any side or rear lot line. Petitioner proposes to validate existing conditions (property, dwelling and development) and obtain a building permit to construct an 18'x 12' addition to the back of the house. Variances of 6.1% net lot coverage and a 1-foot side lot line for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1963, contains 14,227 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, carport, concrete driveway, gravel driveway and two sheds. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The subject lot is odd shaped as it is located within a cul-de-sac. The lot is pie shaped with two angle lot lines in the rear of the property. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
3. Petitioner Debra Aker Chedester would like to construct a 12' x 18' addition on the rear of the house. Before a building permit can be obtained for the addition, variances for net lot coverage for the existing and proposed development and setback location for the shed are required. Exhs. 2, 3, and 5 (A) thru (J).
4. Petitioner explained that she would like to construct the addition off the master bedroom which is located at the rear of the dwelling. She stated that the addition will include a larger master bathroom; the existing master bathroom is only 3' x 4' in size. Exhs. 2, 3, and 5 (A) thru (J).
5. Petitioner stated that because the lot backs up to woods, the proposed addition will not be seen. Exhs. 2, 3, 5 (A) thru (J).
6. Mr. Chedester explained that in the rear yard (near the carport) and side of the house there is no topsoil and the ground is all rock. Because the on-street parking is very limited in the cul-de-sac, pervious rock was brought in to allow water drainage and also have a parking area. Exhs. 2, 3, and 5 (A) thru (J).

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 pie shape of the lot, existing placing of the dwelling on the lot, need for additional living area for Petitioner's family, the need for parking area 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 6.1% net lot coverage and a 1-foot side lot line for an accessory building in order to validate existing conditions (property, dwelling and development) and obtain a building permit to construct an 18'x 12' addition on the property located at 16700 Glenn Court, Accokeek, 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 plan, Exh. 3.

BOARD OF ZONING APPEALS

(ORIGINAL SIGNED)

By: _____

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.