

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

Petitioner: Melvin Parker

Appeal No.: V-78-19

Subject Property: Parcel 0169, Map 0127, Grid 00C3, being 10828 Old Indian Head Road, Upper Marlboro, Prince George's County, Maryland

Heard and Decided: October 23, 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 variances 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(d)(Table III) which prescribes that each lot shall have a minimum width of 300 feet measured along the front building line. Section 27-442(e)(Table IV) which prescribes that each lot shall have a side yard at least 20 feet in width. Section 27-442(c)(Table II) which prescribes that not more than 5% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions (property and dwelling) and construct a one-story addition. Variances of 203 feet front building line width, 15 feet side yard width and 11.9% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 2003, contains 22,663 square feet, is zoned O-S (Open Space) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 19 (A) thru (G).

2. The lot is long and narrow as a tilted parallelogram or rhomboid. The house location conforms with the tilt of the lot. Exh. 2

3. Petitioner would like to construct a 10' x 14' closet addition to the master bedroom on the rear of the dwelling. The proposed addition will align with the tilted right side of the dwelling and be parallel with the slanted narrow right-side yard. Exh. 2.

4. Due to subdivision by deed of the subject property, the front building line width was created without any zoning review and does not comply with the current building line requirement. A variance of 203 feet front building line is required. In addition, because of the narrowness of the lot, the side yard setback is not being met, therefore a variance of 15 side yard width is required. Already over lot coverage, adding the master closet addition increases the coverage, thereby, requiring a variance of 11.9%. Exhs. 2, 3 and 5 (A) thru (D).

5. Petitioner Melvin Parker explained that the proposed addition will be a walk-in closet for the master bedroom. He stated that the house was built in 1996 with very limited closet space and currently the Petitioner is using a bedroom as closet space and needs the bedroom for his family. Exhs. 2, 3 and 5 (A) thru (D).

Applicable Code Section

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 tilted shape of the lot being a parallelogram, the preexisting house and right side being angled along with the tilted lot, the need for additional family closet 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 203 feet front building line width, 15 feet side yard width and 11.9% net lot coverage order to validate existing conditions (property and dwelling) and construct one-story addition on the property located at 10828 Old Indian Head Road, Upper Marlboro, Prince George's County, Maryland, be and are 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.