

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

Petitioner: Caldwell McCauley

Appeal No.: V-146-19

Subject Property: Lot 20, Block E, Franklin Square Subdivision, being 504 Beech Street, Fort Washington,
Prince George's County, Maryland

Witness: Jearliee McCauley, Petitioner's Wife

Heard and Decided: January 22, 2020

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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to validate an existing condition (left and right-side yards) and obtain a building permit for the conversion of an existing deck into an enclosed sunroom. Variances of 1-foot left side yard width and 7 feet right side yard width are requested.

Evidence Presented

1. The property was subdivided in 1972, contains 10,478 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, enclosed deck area, open deck area, gazebo, lower open deck area. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The lot is odd shaped with the right-side line veering sharply left to meet the rear of the property. Exh. 2.

3. Petitioner requests permission to convert an open deck into an enclosed sunroom. Currently, the existing dwelling location does not meet the current left side yard setback standards. With the proposed sunroom, the right-side yard setback, which also does not meet setback requirements, will be reduced even further. Therefore, variances of 1-foot left side yard setback and 7-feet right side yard setback are requested. Exhs. 2, 3 and 5 (A) thru (C).

4. Jearliee McCauley testified that the enclosed area is to accommodate her son, who is has seizures and lack mobility. Exhs. 2, 3 and 5 (A) thru (C).

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 lot being odd shaped on the right side, the deck (to be covered) already existing on the right side of the dwelling, Petitioner's son being handicapped with mobility concerns and the need for a suitable area to work with him 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 1-foot left side yard width and 7 feet right side yard width in order to validate an existing condition (left side yard setback) and obtain a building permit for the conversion of an existing deck into an enclosed sunroom on the property located at 504 Beech Street, Fort Washington 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, 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.