

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

Petitioners: Jack and Linda Bannister

Appeal No.: V-55-18

Subject Property: Lot 31, Block A, Clinton Grove Subdivision, being 9529 Badger Avenue, Clinton,
Prince George's County, Maryland

Heard and Decided: July 11, 2018

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(d)(Table III) of the Zoning Ordinance, which prescribes that each lot shall have a minimum width of 75 feet measured along the front building line. Petitioners propose to validate an existing condition (property) and construct a two-story single-family dwelling and driveway on a lot having a width of 70 feet along the front building line. A variance of 5 feet front building line width is requested.

Evidence Presented

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

1. The property was subdivided in 1948, contains 20,650 square feet, is zoned R-80 (One-Family Detached Residential) and is planned to be improved with a single-family dwelling and driveway. The property is located within Aviation Policy Area 4, which have the same development densities and intensities required in the R-80 zone. Exhibits (Exhs.) 2, 4, 11, 12 and 13 (A) thru (F).

2. Petitioners would like to construct a two-story dwelling and driveway, but the property does not meet the minimum width at the front building line. A variance of 5 feet front building line width is requested. Exhs. 2, 3, 5 (A) thru (C).

3. Petitioner Jack Bannister testified that the subdivision was created prior to zoning and does not meet the current minimum width of 75 feet for R-80 zoned property. Exhs. 2, 3, 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 subdivision being created in 1948, the front building line not meeting the current minimum requirements for R-80 zoned property 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 variance of 5 feet from the minimum lot width requirement along the front building line in order to validate an existing condition (property) and construct a two-story single-family dwelling and driveway on the property located at Lot 31, Block A, Clinton Grove Subdivision, being 9529 Badger Avenue, 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, ChairpersonNOTICE

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.