

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

Petitioners: Calvin and Susie Lee

Appeal No.: V-58-18

Subject Property: Lot 1, Block A, Martin Park Subdivision, being 5203 Martin Drive, Oxon Hill,
Prince George's County, Maryland

Heard and Decided: July 11, 2018

Witness: Laurence Jennings, Contractor

Michelina Benitez, Benico LLC. Architect

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, Petitioners request that the Board approve variances from Section 27-442(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking and Section 27-442(i)(Table VIII), which prescribes that on corner lots accessory buildings shall be set back 10 feet from the rear lot line. Petitioners propose to validate existing conditions (development, shed) and construct a one-story addition. Variances of 4.2% net lot coverage and 8 feet rear lot line setback 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 1959, contains 11,057 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is a corner lot with the dwelling facing the legal side street. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. Petitioners would like to construct a 12' x 16.25' one-story addition on the rear of the existing dwelling. As the existing development exceeds the amount of lot coverage allowed, and the addition would be further overage, a variance of 4.2% net lot coverage was requested.¹ Exhs. 2, 3, 5 (A) thru (E) and 12.
3. As the existing shed is located 2 feet from the rear lot line, a variance of 8 feet rear lot line setback for an accessory building was requested. Exhs. 2, 3, 5 (A) thru (E) and 12.
4. Petitioner Susie Lee testified that the proposed addition would be located next to the kitchen. She explained that Mr. Lee was in a severe car accident years ago when he was hit by a car going in excess of

¹ The Board approved a front yard setback variance in 1993 (Appeal No. 12180) for construction of an attached carport and driveway extension. Exh. 6. Ms. Benitez made a correction to the carport dimension on the current site plan changing 26 feet to 24 feet. Exh. 19.

100 miles per hour. She stated that the proposed addition would afford Mr. Lee a place to relax during the day and decrease his need to have to go back and forth through the house. Exhs. 2, 3, 5 (A) thru (E).

5. Mr. Jennings testified the proposed addition is basically squaring off the rear of the house. Exh. 19.

6. Mrs. Lee stated that the shed is used only for storage. Exhs. 2 and 4 (A) thru (E).

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 a corner lot with the front of the dwelling facing the legal side street, the addition allowing Petitioner who was injured in a severe vehicle accident to remain on the lower level of the dwelling 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 variances of 4.2% net lot coverage and 8 feet rear lot line setback for an accessory building in order to validate existing conditions (development, shed) and construct a 12' x 16.25' one-story addition on the property located at Lot 1, Block A, Martin Park Subdivision, being 5203 Martin Drive, Oxon Hill, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 19 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.