

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

Petitioners: Harold and Phyllis Denby

Appeal No.: V-60-18

Subject Property: Lot 26, Block B, Cheltenham Woods Subdivision, being 10509 Bailey Drive,
Cheltenham, Prince George's County, Maryland

Witness: Fred Denby, Architect

Heard and Decided: July 25, 2018

Board Members Present and Voting: 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(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition (development) and construct a two-story addition. A variance of 4.5% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 13,448 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway, in-ground swimming pool and shed. Exhibits (Exhs) 2, 4, 7, 8 and 9 (A) Thru (F).

2. Petitioners would like to construct an 18.66' x 22' two-story addition on the rear of the existing dwelling. As the current development on the property exceeds the amount of lot coverage allowed, construction of the addition would be further overage. A variance of 4.5% net lot coverage was requested. Exhs. 2, 3 (a) thru (b), 5 (A) thru (J) and 11.

3. Petitioner Harold Denby testified that the two-story addition is needed, *inter alia*, to provide space for his youngest daughter who is disabled. The proposed addition will allow his daughter to move more freely in the house. Exhs. 2, 3 (a) thru (b), 5 (A) thru (J) and 11.

4. Fred Denby stated that the second story will mirror the footprint of the first floor and the roof line will remain the same as the existing roofline of the house. The proposed addition will not be able to be seen from the street. Exhs. 2, 3 (a) thru (b) 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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to Petitioners' youngest daughter being disabled and in need of additional living space to move more freely in the house 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, by majority vote, Ms. Bobbie Mack absent, that a variance of 4.5% net lot coverage in order to validate an existing condition (development) and construct an 18.66' x 22' two-story addition on the property located at Lot 26, Block B, Cheltenham Woods Subdivision, being 10509 Bailey Drive, Cheltenham, 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, Exh. 2 and approved elevation plans, Exhs. 3 (a) thru (b).

BOARD OF ZONING APPEALS

By: (original signed)
Albert C. Scott, Vice Chairman

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.