

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-87-13 Keith & Arlene Byrd

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: October 9, 2013.

CERTIFICATE OF SERVICE

This is to certify that on October 21, 2013, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Anne F. Carter
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

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

Petitioners: Keith & Arlene Byrd

Appeal No.: V-87-13

Subject Property: Lot 5, Block H, Palmer Park Subdivision, being 2403 Matthew Henson Avenue,
Landover, Prince George's County, Maryland

Heard and Decided: October 9, 2013

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition and construct a one-story addition on a semi-detached single-family dwelling. A variance of 9.5% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 3,724 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The single-family dwelling was built in 1955. Exhs. 7 and 8.

2. The property is a long and narrow lot, being 105 feet long and less than 40 feet wide. The lot narrows slightly from front to rear. Exh. 2.

3. Petitioners would like to construct a 19'8" x 9'6"/4.4' x 14.3' one-story addition on the rear of the existing dwelling, but a variance is needed to obtain a building permit. Since the allowed amount of net lot coverage (30%) is already exceeded by existing development on the property and construction of the addition would increase that amount, a variance of 9.5% net lot coverage was requested. Exhs. 11 and 12.

4. Petitioner Keith Byrd testified that more living space is needed to accommodate his daughter.

5. He explained that the site plan shows an open front porch which will be demolished and aerial photographs show a temporary gazebo used in the summer.

6. Mr. Byrd further testified that the addition would not extend farther back than the existing concrete slab, but would extend about 18 inches past an adjoining neighbor's addition. He stated that the exterior would have siding like the existing house. He also explained that a fire wall will be built on the wall shared with a neighbor who did not object to the proposed addition.

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 narrowness of the property, the need for additional living space, the proposed addition to be built over and not extend beyond an existing concrete slab, 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, Mr. Scott absent, that a variance of 9.5% net lot coverage in order to validate an existing condition and construct a 19'8" x 9'6"/4.4' x 14.3' one-story addition on a semi-detached single-family dwelling on the property located at Lot 5, Block H, Palmer Park Subdivision, being 2403 Matthew Henson Avenue, Landover, 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 the 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.