

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-94-14 Godfrey & Hilda Stephens

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: January 7, 2015.

CERTIFICATE OF SERVICE

This is to certify that on January 14, 2015, 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: Godfrey & Hilda Stephens

Appeal No.: V-94-14

Subject Property: Lot 5, Block 19, Seabrook Park Estates Subdivision, being 9216 Alcona Street, Lanham,
Prince George's County, Maryland

Witness: David Lenk, Great Day Improvements

Heard and Decided: January 7, 2015

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(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 construct a sunroom over an existing patio. A variance of .9% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1963, contains 7,864 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1965. Exhs. 7 and 8.
2. The property has an irregular rear property line. Exh. 2.
3. Petitioners would like to construct a 17' x 18' sunroom on an existing concrete patio (Exhs. 5(A) through (D)), but a variance is needed to obtain a building permit. Since construction of the sunroom would cause the allowed amount of net lot coverage to be exceeded, a variance of .9% net lot coverage was requested. Exhs. 11 and 12.
4. Petitioner Hilda Stephens testified that they have lived at the property for 30 years. She explained that after a bad storm two trees were removed and the yard is in sun all day. She stated that there is wooded area behind their property. Exhs. 9(A) through (F).
5. Petitioner's builder, David Lenk, testified that Mr. Stephens, who is in his golden years, would like to enjoy the outdoors protected from bugs and out of the sun. He explained that there is an existing brick knee wall around the edge of the existing patio (Exhs. 5(A) through (D)) within which the sunroom would be constructed. He stated that the proposed sunroom would have tempered glass and bug screens.

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 there being an existing patio behind the existing house over which the proposed sunroom would be constructed, damaged trees having had to be removed from the property, the yard being sunny all day, the sunroom providing a place to enjoy the outdoors protected from insects and the sun, the property backing up to a wooded lot, the request being for only a diminutive .9%, 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 .9% net lot coverage in order to construct a 17' x 18' sunroom over an existing patio on the property located at Lot 5, Block 19, Seabrook Park Estates Subdivision, being 9216 Alcona Street, Lanham, 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 plans, Exhibits 3(a) and (b).

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.