

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-59-14 Tonya Thompson

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: September 17, 2014.

**CERTIFICATE OF SERVICE**

This is to certify that on September 30, 2014, 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: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
Tantallon Citizens Association, Inc.

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

Petitioners: Tonya Thompson

Appeal No.: V-59-14

Subject Property: Lot 8, Block B, Tantallon on the Potomac Subdivision, being 209 Whitehaven Circle, Fort Washington, Prince George's County, Maryland

Witnesses: Todd Sporn, Madrid Construction

Richard Krueger, Tantallon Control Committee, Tantallon Citizens Association, Inc.

Zem Wise, resident of subject property

Heard and Decided: September 17, 2014

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, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to construct a garage addition, with second-floor living space, and driveway extension. A variance of 3 feet side yard width is requested.

Evidence Presented

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

1. The property was subdivided in 1963, contains 17,928.26 square feet (.412 acre), is zoned R-R (Rural Residential) and is improved with a single-family dwelling, attached garage and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 1999. Exhs. 7 and 8.
2. The house sits on the property at an angle and the left side yard narrows from front to rear. Exh. 2.
2. The property is located at the lip of a cul-de-sac. Exhs. 9(A) thru (E).
3. Petitioner would like to construct a 10' x 20' garage addition, with second-floor living space, and a 10' x 25' driveway extension, but a variance is needed in order to obtain a building permit. Since the garage addition would be located 5 feet from the side lot line at the closest point, a variance of 3 feet side yard width was requested. Exh. 11.
4. Petitioner testified that after consulting with County site development staff and examining other options, she decided on the requested addition on the side of the house. She stated that her lot is a smaller lot in a group of nine lots. She explained that because of the angle of the house on the lot, even though the front of the proposed addition would not go over the 8-foot setback building restriction line, the addition would extend beyond the line by 3 feet at the rear corner. Exh. 2.
5. Petitioner stated that including the second story over the garage would keep the house symmetrical and allow the house to remain consistent with the appearance of other houses in the community.
6. Tantallon Homeowners Association endorsed the variance request. Exh. 17.

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 property being located at the lip of a cul-de-sac, the angle of the house on the lot, the left side yard narrowing from front to rear, only a portion of the proposed addition needing a variance, the inclusion of a second story in the addition keeping the house symmetrical and consistent with the other homes in the neighborhood, 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 3 feet side yard width in order to construct a 10' x 20' garage addition, with second-floor living space, and 10' x 25' driveway extension on the property located at Lot 8, Block B, Tantallon on the Potomac Subdivision, being 209 Whitehaven Circle, Fort Washington, 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) thru (c).

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.