

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-42-14 Emanuel & Pamela Bundy

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: July 16, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on July 29, 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: 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: Emanuel and Pamela Bundy

Appeal No.: V-42-14

Subject Property: Lot 9A, Block I, Hillcrest Heights Subdivision Plat of Correction, being 2520 St. Clair Drive, Temple Hills, Prince George's County, Maryland

Witness: Floyd Washington, Shelter Masters Construction

Heard and Decided: July 16, 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, Petitioners request 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 rear yard at least 20 feet in depth/width. Petitioners propose to construct a one-story addition. A variance of 7.5 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 1957, contains 7,528 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a brick, one-story single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4(a) and (b), 8 and 9. The existing single-family dwelling was built in 1958. Exhs. 8 and 9.

2. The property is a corner lot with the house facing the legal front street at a slight angle. Exhs. 2 and 10(A) through (E).

3. Petitioners would like to construct a 16' x 16' one-story addition on the rear of the existing dwelling, but a variance is required in order to obtain a building permit. Since the addition would be 12.5 feet from the rear lot line at the closest point, a variance of 7.5 feet rear yard depth/width was requested. Exh. 12.

4. Petitioner Pamela Bundy testified that the subject property was rental property, but for health reasons they are planning to develop the property to have one-level living equipped with a bathroom designed for the special needs of her husband who is a recent amputee. She stated that her husband cannot manage the steps in the three-story house where they currently live.

5. Floyd Washington, Petitioners' contractor, testified that the addition would consist of a master bedroom and a bathroom for Mr. Bundy. He explained that the addition will extend the main level of the dwelling, which is above the basement, and be built over a crawl space. He stated that the exterior of the addition would have vinyl siding and that other homes on the same street, including the house next door, have a mixture of brick and siding. Exhs. 6(A) and (B); 10(C).

6. Mr. Washington further stated that the house on the adjoining lot to the rear faces a different street and the side of that house is 9 feet from Petitioners' rear property line. Exhs. 6(D); 10(A) through (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 property being a corner lot, the location/angle of the existing dwelling on the property, the need for additional living space, Petitioner's physical disability requiring one-level living, the house to the rear of the addition facing a different street, 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 7.5 feet rear yard depth/width in order to construct a one-story addition on the property located at Lot 9A, Block I, Hillcrest Heights Subdivision Plat of Correction, being 2520 St. Clair Drive, Temple Hills, 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.