

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-53-14 Patricia Booth

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: August 20, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on September 2, 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

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

Petitioner: Patricia Booth

Appeal No.: V-53-14

Subject Property: Lot 2, Block A, North Fort Foote Village Subdivision, being 902 Jessica Drive, Fort Washington, Prince George's County, Maryland

Witness: Mervin Bertrand, Home Contractors Plus LLC

Heard and Decided: August 20, 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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to construct a sunroom. A variance of 2.7% 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 10,054 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, attached garage and driveway. Exhibits ("Exhs.") 2, 4, 9 and 10. The existing single-family dwelling was built in 1974. Exhs. 9 and 10.
2. The property has an irregular shape and widens from front to rear. Exhs. 2 and 4.
3. Petitioner would like to construct a 12' x 22.7' sunroom on the side of a proposed one-story addition, for which Petitioner has an approved permit, but a variance is needed to obtain a building permit for the sunroom. Since construction of the sunroom would cause the allowed amount of net lot coverage to be exceeded, a variance of 2.7% net lot coverage was requested. Exhs. 13 and 14.
4. Petitioner has an approved permit (No. 21282-2014-0) to build a 20' x 30' one-story addition and 12' x 22.7' deck.
5. Mervin Bertrand, Petitioner's contractor, testified that a variance is necessary because Petitioner now would like to convert the deck into a sunroom which will cause an overage of lot coverage of 272 square feet. Exh. 2. He explained that construction is underway to build the addition and sunroom behind the existing attached garage. Exhs. 5(D), (E) and (F).
6. Petitioner Patricia Booth testified that she has a number of handicaps, has problems using stairs and the sunroom would provide a way to enter the main house from the new addition which will be her first-floor bedroom. She stated that without the sunroom, she would have to go outside the addition into the elements in order to enter into the main part of the house. She explained that her husband died earlier this year.

7. Mrs. Booth further testified that the additions will have vinyl siding and be the same height as the existing garage.

8. She testified that the neighbor to the rear is supportive of her proposal.

9. Petitioner submitted letters from three physicians explaining her physical limitations and recommending one-level living for her. Exhs. 19(a) through (c).

10. The Historic Preservation Section of the Maryland-National Capital Park and Planning Commission commented that the subject property is located 575 feet away from Historic Site 80-006 (Fort Foote) and there is no effect on Historic Sites or Historic Resources. 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 irregular shape of the lot, Petitioner's medical conditions requiring that she limit the use of stairs, the need for additional living space on the first level of the existing dwelling, a permit for the first-floor addition and a deck having already been approved, a sunroom being proposed to replace the deck to provide a means of access from the addition to the main part of the house, denial of the request resulting in Petitioner having to walk through the elements to enter the main 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 2.7% net lot coverage in order to construct a 12' x 22.7' sunroom on the property located at Lot 2, Block A, North Fort Foote Village Subdivision, being 902 Jessica Drive, 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 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.