

*NOTICE OF FINAL DECISION
OF BOARD OF APPEALS*

RE: Case No. V-58-13 Ernest and Callie Gripper

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 11, 2013.

CERTIFICATE OF SERVICE

This is to certify that on September 25, 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
Kettering Community Association

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

Petitioners: Ernest and Callie Gripper

Appeal No.: V-58-13

Subject Property: Lot 2, Block 49, Kettering Subdivision, being 318 Pemberton Street, Kettering,
Prince George's County, Maryland

Heard: August 21, 2013; Decided: September 11, 2013

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 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 1970, contains 8,163 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 4, 6, 7 and 16. The existing single-family dwelling was built in 1978. Exhs. 6 and 7.
2. The lot is irregular in shape, 90-100 feet deep, the house is set back 38 feet from the front street line and the rear yard is shallow. Exh. 16.
3. Petitioners would like to construct a 12.7' x 18.7' one-story addition on the rear of the dwelling, but a variance is needed to obtain a building permit. Since the addition would extend to within 13 feet of the rear lot line, a variance of 7 feet rear yard depth/width was requested. Exh. 10.
4. Petitioner Ernest Gripper testified that he has lived at the property since 1978 and the proposed addition would provide more living space for a parent. He stated that constructing the proposed addition within the current setback would not be sufficient and the proposed addition would be built over the existing concrete pad. Exh. 5.
5. Mr. Gripper further testified there are additions on the house next door and two houses behind his property. Exhs. 8(D) and (E).
6. He stated that the exterior of the addition would be siding with a brick knee wall all the way around. Exh. 3.

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 location of the existing house on the lot, the shallowness of the rear yard, the need for additional living space, the proposed addition to be built on 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, unanimously, that a variance of 7 feet rear yard depth/width in order to construct a 12.7' x 18.7' one-story addition on the property located at Lot 2, Block 49, Kettering Subdivision, being 318 Pemberton Street, Kettering, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 16, 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.