

*NOTICE OF FINAL DECISION
OF BOARD OF APPEALS*

RE: Case No. V-118-13 Samuel & Lisa Watkins

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 29, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on February 10, 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
Enterprise Estates Civic Association

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

Petitioners: Samuel & Lisa Watkins

Appeal No.: V-118-13

Subject Property: Lot 6, Block F, Enterprise Estates Subdivision, 11406 Bayard Drive, Bowie,
Prince George's County, Maryland

Heard and Decided: January 29, 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(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to construct a sunroom. A variance of 4.7% 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 13,094 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 1977. Exhs. 7 and 8.
2. The subject property is slightly wider at the rear than the front of the lot. Exhs. 2 and 4.
3. Petitioners would like to construct a 12' x 26' sunroom over an existing concrete pad, but a variance is needed in order to obtain a building permit. Since the allowed amount of net lot coverage is exceeded by existing development on the property and construction of the sunroom would increase that coverage, a variance of 4.7% net lot coverage was requested. Exhs. 10 and 11.
4. Petitioner Samuel Watkins testified that his plan is to extend the existing concrete patio by approximately four feet and cover it with a roof and enclose it with glass to make a sunroom. Exhs. 2 and 5(C). He stated that he would like a protected area for a hot tub which will be used for therapy for both Petitioners who have arthritis. He explained that the proposed sunroom will not be visible from the street.
5. He further testified that he had the driveway widened slightly, added a concrete pad in the back yard and built a small shed in the back yard for storing tools and lawn equipment.
6. He stated that he has neighbors with either sunrooms, decks or a swimming pool. Exh. 9(A).
7. He stated that he will no longer need the temporary gazebo he puts up in warm weather once he builds the sunroom.

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 existing conditions on the property, the proposed sunroom to be built over an existing patio, the slab to be extended only four feet to build the sunroom, the sunroom to house a hot tub for arthritis therapy, a temporary gazebo no longer being needed once a sunroom is built, the sunroom not being visible from the 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 4.7% net lot coverage in order to construct a 12' x 26' sunroom on the property located at Lot 6, Block F, Enterprise Estates Subdivision, 11406 Bayard Drive, Bowie, 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.