

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

Dated: February 21, 2014

Petitioners: Audrey & Clifford Sweeney, Jr.
Appeal No.: V-106-13
Subject Property: Lot 3, Wilhite Estates Subdivision, being 7511 South Osborne Road,
Upper Marlboro, Prince George's County, Maryland
Counsel for Petitioners: Matthew C. Tedesco, Esq.
Action by the Board: February 19, 2014
Board Members Present and Voting: Bobbie S. Mack, Chairperson
Anastasia T. Johnson, Member

RESOLUTION

Petitioners brought the subject appeal 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").

The appeal was filed with the Board on November 7, 2013. After receiving Building Violation Notice No. 31993-13-01, dated October 3, 2013, from the Inspections Division of the Department of Permitting, Inspections and Enforcement ("DPIE"), Petitioners requested variances in order to validate existing conditions and obtain a building permit for a new covered deck on the subject property.

A hearing was scheduled for December 4, 2013, and notices were sent to all interested parties by certified mail. On December 4, 2013, notices of a rescheduled hearing to be held on December 20, 2013, were sent to all parties by certified mail when it was determined that readvertisement was necessary. On December 19, 2013, Petitioners requested that the hearing be postponed from December 20, 2013, to sometime in January 2014. Notices of postponement of the hearing until January 15, 2014, were sent by regular mail to all interested parties. On January 14, 2014, Petitioners then requested that the hearing be indefinitely postponed while they worked with DPIE to resolve the violation and obtain requisite permits without needing a variance. Notices of indefinite postponement were sent by regular mail to all interested parties.

On February 14, 2014, Petitioners withdrew their variance request and requested a full refund of the Two Hundred Dollar (\$200.00) fee required to file the appeal.

At its meeting on February 19, 2014, the Board found that the matter should be dismissed and that a partial refund of the filing fee would be appropriate due to administrative costs expended in processing the appeal.

BE IT THEREFORE RESOLVED, unanimously, that the appeal be and hereby is DISMISSED;
and

BE IT FURTHER RESOLVED, unanimously, that a fifty percent (50%) refund of the filing fee be and is hereby GRANTED. A refund in the amount of One Hundred Dollars (\$100.00) will be forthcoming from the Office of Finance.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

cc: Petitioners
Adjoining Property Owners
Park and Planning Commission
DPIE/Inspections Division