

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

Petitioners: Derk and Aracely Mattocks

Appeal No.: V-36-18

Subject Property: Lot 15, Block Q, Newbridge Subdivision, being 10203 Sea Pines Drive, Mitchellville,
Prince George's County, Maryland

Witness: Jeff Tice, Contractor, Maryland Contracting & Design

Heard: June 13, 2018; Decided: June 27, 2018

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. Petitioners propose to construct a one-story addition. A variance of 1.2% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1986, contains 7,568 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The subject lot is within a cluster development. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioners would like to construct a 15' x 18' one-story addition on the rear of the existing dwelling. Construction of the addition would exceed the amount of lot coverage allowed. A variance of 1.2% net lot coverage was requested. Exhs. 2, 4, 7, 8, 9 (A) thru (F) and 11.

3. Arbor View Homeowner Association has provided written approval for the construction of the addition. Exh. 18.

4. Petitioner Derk Mattocks testified that he wishes to construct the proposed addition to the rear of the home which would expand the kitchen. He explained that the dwelling is one of the smallest in the community and the kitchen is quite small. Exhs. 2, 3 (a) thru (b), 5 (A) thru (D) and 9 (A) thru (F).

5. Mr. Jeff Tice explained that the lot is one of the smallest in the community limiting any expansion to the house. He further explained that the addition will be located in the center of the rear side of the house beside the basement steps. He stated that a portion of the deck will be removed. Exhs. 2, 3 (a) thru (b), 5 (A) thru (D) and 9 (A) thru (F).

6. Mr. Tice stated that there are many properties in the community with additions very similar to the proposal by Petitioners. Exhs. 2, 3 (a) thru (b), 5 (A) thru (D) and 9 (A) thru (F).

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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subdivision being a cluster development, the size of the lot being one of the smallest in the community, similar additions exist in the community 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 1.2% net lot coverage in order to construct a 15' x 18' one-story addition on the property located at Lot 15, Block Q, Newbridge Subdivision, being 10203 Sea Pines Drive, Mitchellville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (b).

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

Bobbie S. Mack, ChairpersonNOTICE

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.