

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-28-14 Bernice Burroughs/Bernard & Sherry Spriggs

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: June 4, 2014.

CERTIFICATE OF SERVICE

This is to certify that on June 12, 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
Other Interested Parties

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

Petitioners: Bernice Burroughs/Bernard and Sherry Spriggs

Appeal No.: V-28-14

Subject Property: Part of Parcel 18, Tax Map 143, Grid E-4, being 14207 South Springfield Road, Brandywine, Prince George's County, Maryland

Witnesses: Ronald Litten, R.L. Litten and Associates, Architects, LLC
Kristina Lohr, S.D. Lohr Inc.

Heard and Decided: June 4, 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 variances 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 variances from Section 27-442(d)(Table III) of the Zoning Ordinance, which prescribes that each lot shall have a minimum width of 100 feet measured along the front building line; Section 27-442(e)(Table IV), which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth and side yard at least 8 feet in width; and 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 validate existing conditions and construct a one-story addition, covered front porch and covered rear porch. Variances of 23 feet front building line width, 15.73 feet side street yard depth, 3.9 feet side yard width and 1.12% net lot coverage are requested.

Evidence Presented

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

1. The property contains 0.4597 acre (20,026 square feet), is zoned R-A (Residential-Agricultural) and is improved with a one-story single-family dwelling, driveway and gravel road. Exhibits ("Exhs.") 2 and 27.

2. The subject property was legally created as it exists today in 1968. Exh. 27. The property is the southern portion of a parcel bisected by a 60-foot right-of-way (Springfield Court). Exh. 2.

3. Development of the property is subject to the requirements of the R-R (Rural-Residential) Zone. Exhs. 13 through 15, 27.

4. The subject property is a corner lot, triangular in shape, with the existing dwelling facing the front street (South Springfield Road). The angle of the sides of the dwelling in relation to the side lot lines is extreme. Exh. 2.

5. Petitioners would like to construct a 22'8" x 30'8" one-story addition, 6' x 14' covered front porch with steps and 4' x 4.91' covered rear porch (Exhs. 2, 3(a) and (b)), but variances are needed to obtain a building permit. Since the addition would be located 4.1 feet from the side lot line at the closest point and

proposed construction would cause the allowed amount of net lot coverage to be exceeded, variances of 3.9 feet side yard width and 1.12% net lot coverage were requested. Exhs. 22 and 23.

6. In addition, variances are also needed to validate the following existing conditions. Since the property is only 77 feet wide at the front building line, a variance of 23 feet front building line width was requested. Also, since the right front corner of the existing dwelling is located only 9.27 feet from the side street (Springfield Court), a variance of 15.73 feet side street yard depth was also requested. Exh. 23.

7. Ronald Litten, Petitioners' architect, testified that the dwelling has existed since 1948 and is currently uninhabitable. Exhs. 11(A) through (E). He provided the following history that in 1968 the original parcel (Parcel 18) was subdivided by deed, creating Lot 1 and a right-of-way to it from South Springfield Road. In 1970, the subdivision was platted and approved by the Planning Board. Exh. 4. In 1997, construction was proposed for the single-family dwelling occupying the 20,026 square foot "residue" from the original subdivision. Exh. 16. At that time, the Board granted a side street setback variance (Appeal No. V-97-97) to construct an addition. Exh. 12. The variance was requested for a reduced side yard along the side street based on the unusual shape of the lot and other factors associated with the property. Exh. 12. From 1997 until the present there have been a series of unfulfilled attempts to complete the construction.

8. Petitioners commissioned Mr. Litten (R.L. Litten and Associates, Architects, LLC) as the architect and Ms. Kristina Lohr (S.D. Lohr Inc.) as the general contractor to complete the project. When Ms. Lohr attempted to secure permits for the proposed work, it was discovered that the requested variances, most of which having to do with existing conditions on the property, were needed.

9. Mr. Litten assured that the proposed construction, which would replace the dilapidated section of the house, would not infringe any further into the side street yard than what was previously requested in Appeal No. V-97-97. He added that the existing dwelling is very small (34' by 39') and the additional living space would allow family members to live with and care for Mrs. Burroughs, who is elderly. He stated that the amount of the lot coverage variance requested was actually reduced because the driveway was shortened by approximately 30 feet. He further stated that the brick front of the house will be kept, but the roofline will change. He stated that the appearance of the dwelling will be consistent with the houses in the rest of the neighborhood. Exhs. 20(A) through (D).

10. The Subdivision Section of The Maryland-National Capital Park and Planning Commission commented as follows: The current deed, Liber 31432 Folio 582 (Exh. 10), indicated the subject property, known as Parcel 18, is shown as "residue" on the plat recorded in Land Records at WWW 75-46 (Exh. 4); however, Parcel 18 (aka "residue") is not subject of said record plat which is for Lot 1 and the dedication of Springfield Court. The subject property is more particularly described by metes and bounds in the prior deed recorded in Liber 8302 Folio 484 (Exh. 9). The site plan (Exh. 2) accurately reflects the boundaries of the subject property, which is bisected by Lot 1 and Springfield Court. Deed records reflect that the property previously included 0.5 acres abutting Parcel 18 in the northeast corner, currently owned by Richard A. Carvalho, which was subdivided by deed in 1955 and Lot 1, together with Springfield Court, which was subdivided by deed in 1968. The area of Parcel 18 currently totals approximately 5.67 acres, with the northern part being 5.21 acres and the southern part being 0.459 acres. Subdivision staff found that the subject property was legally created as it exists today in 1968. Exh. 27.

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

Due to the dwelling existing since 1948, the property being created by deed in 1968, the unique and unusual shape of the property, the property being a corner lot, the existing conditions on the property, a side yard setback variance having been approved in 1997 but the proposed construction having never been completed, the dwelling currently being uninhabitable, the need for additional living space to care for Mrs. Burroughs, 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 variances of 23 feet front building line width, 15.73 feet side street yard depth, 3.9 feet side yard width and 1.12% net lot coverage in order to validate existing conditions and construct a 22'8" x 30'8" one-story addition, 6' x 14' covered front porch with steps and 4' x 4.91' covered rear porch on the property located at Part of Parcel 18, Tax Map 143, Grid E-4, being 14207 South Springfield Road, Brandywine, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) and (b).

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.