

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-49-14 Jesse Rios & David Coleman

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: July 23, 2014.

CERTIFICATE OF SERVICE

This is to certify that on August 22, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
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: Jesse Rios and David Coleman

Appeal No.: V-49-14

Subject Property: Lot 6, Block M, Marlow Heights Subdivision, being 2711 Keating Street, Temple Hills,
Prince George's County, Maryland

Witness: Bill Reames, Patio Enclosures by Great Day Improvement, LLC

Heard and Decided: July 23, 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 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition and construct a sunroom on a semi-detached single-family dwelling. A variance of 7.6% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1953, contains 3,565 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1954. Exhs. 7 and 8.
2. The property is a narrow lot, being only 31 feet wide. Exhs. 2 and 4.
3. Petitioners would like to construct a 10' x 18'5" x 11' sunroom on the rear of the existing dwelling, but a variance is required in order to obtain a building permit. Since the allowed amount of net lot coverage is exceeded by existing development and construction of the sunroom would cause additional coverage, a variance of 7.6% net lot coverage was requested. Exhs. 12 and 13.
4. Petitioner David Coleman testified that they have lived at the property for 14 years and need more living space.
5. Petitioner Jesse Rios testified that a neighbor on adjoining property has a deck and a fence exists between his property and the property to the rear. Exhs. 5(A) through (C). He stated that the sunroom is desired for their many potted plants (Exhs. 5(A) and (B)) and enjoyment of the outdoors.
6. Bill Reames, Petitioners' contractor, testified that there are other sunrooms attached to houses in the neighborhood. He explained that Petitioners' proposed sunroom would not extend beyond the side line of the house and would not be visible from the street. He stated that the sunroom will extend three feet beyond the edge of the existing deck. He further explained that the sunroom will have a 3-foot bump out because the existing steps on the back of the house will be retained as a fire exit. Exh. 2.
7. Debra Dickerson, a neighbor, did not object to the variance request. Exh. 18.

8. The Subdivision Section of The Maryland-National Capital Park and Planning Commission reviewed the request and commented that the location drawing correctly reflects the bearings and distances, lot size and 25-foot building restriction line (BRL) from Keating Street as shown on the record plat; and further that the existing house does encroach on this BRL, but it is an existing condition and no plat to remove the BRL is required. Exh. 16.

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 narrowness of the property, the dimensions of the property, the property being developed in 1954, a variance being needed to validate existing coverage of net lot coverage as well as for additional coverage needed to construct the proposed sunroom, the proposed sunroom being built over an existing deck and an existing fire exit being retained, 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 7.6% net lot coverage in order to validate an existing condition and construct a 10' x 18'/5' x 11' sunroom on a semi-detached single-family dwelling on the property located at Lot 6, Block M, Marlow Heights Subdivision, being 2711 Keating Street, Temple Hills, 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 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.