

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-45-14 Harold & Mildred Reynolds

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 16, 2014.

CERTIFICATE OF SERVICE

This is to certify that on July 31, 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: Harold and Mildred Reynolds

Appeal No.: V-45-14

Subject Property: Lots 29, 30 & 31, Block 35, Bradbury Heights Subdivision, being 4203 Vine Street,
Capitol Heights, Prince George's County, Maryland

Witnesses: Deidre Reynolds Jones, Petitioners' daughter

James Reid, Civtech Designs, Inc.

Heard and Decided: July 16, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioners propose to construct a side porch addition with steps. A variance of 1.15 feet side yard width is requested.

Evidence Presented

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

1. The property was subdivided in 1909, contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 5, 9 and 10. The existing single-family dwelling was built in 1940. Exhs. 9 and 10.

2. The subject property consists of three zoning lots, with the house being located on two of the lots and much closer to the right side property line. Exh. 2.

3. Petitioners would like to construct a 4' x 8' porch addition with steps on the side of the house, but a variance is required in order to obtain a building permit. Since the addition would be located only 6.85 feet from the right side lot line, a variance of 1.15 feet side yard width was requested. Exh. 13.

4. Deidre Reynolds Jones testified that her parents purchased the property in 1965 and the front porch steps are very steep and now difficult for her mother to use because of a health issue. She stated that because it would be major construction to build a ramp, it was decided to construct shallower steps to the side porch.

5. James Reid stated that the existing front porch and concrete steps do not meet current the building code requirements for tread depth and riser height mandated for safe passage. He explained installing ramps to the front porch compliant with the requirements of the Americans With Disabilities Act ("ADA") was explored, but such ramps would be prohibitive due to the existing steep grades and lack of property depth in the front yard. See Exhs. 6 and 17 (Attachments). He stated that they also examined the possibility of completely razing the original porch and rebuilding it with ramps, but the steep grades and lack of front yard

depth remain a problem because of the need for several landings and turns in the ramp to meet ADA requirements.

6. He testified that Petitioners would simply like to build a wider side entry way with shorter risers and deeper treads to replace the existing 3-foot-wide side entry (Exh. 6) which Mrs. Reynolds has difficulty using with her walkers and/or canes. See Exh. 1 (Attachment).

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 the house being built many years ago, the dwelling being located much closer to the right side property line, the existing front porch and steps not meeting current code as to tread depth and riser height, the existing side porch and steps on the right side of the house being only 3 feet wide, Petitioner having difficulty using either entry to the house with a walker or cane needed for her disability, the construction of a new front porch and/or ramp(s) being prohibitive because of the existing steep grades and lack of front yard depth and requirements of the ADA, 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 1.15 feet side yard width in order to construct a 4' x 8' side porch addition with steps on the property located at Lots 29, 30 & 31, Block 35, Bradbury Heights Subdivision, being 4203 Vine Street, Capitol Heights, 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.