

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-35-13 Rachel Hinton & Matthew Kwaskin

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 19, 2013.

CERTIFICATE OF SERVICE

This is to certify that on July 30, 2013, 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
City of Mount Rainier

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

Petitioners: Rachel Hinton & Matthew Kwaskein

Appeal No.: V-35-13

Subject Property: Lot 26, Block 8, Rogers' Second Addition to Mount Rainier Subdivision, being a Re-Subdivision of Block 5 of Edgemont Subdivision, being 3802 33rd Street, Mount Rainier, Prince George's County, Maryland

Municipality: City of Mount Rainier

Heard: June 5, 2013; Decided: June 19, 2013

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 existing conditions and construct a covered deck and screened porch. A variance of 5.3% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1907, 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.") The existing dwelling was built in 1912. Exhs. 8-9.

2. The property is a long and narrow lot, being 40 feet wide and 150 feet deep. Exh. 3.

3. Sections 27-442(b)(Table I) and 27-442(d)(Table III) of the Zoning Ordinance prescribe that a lot in the R-55 Zone must contain 6,500 square feet of net lot area and be a minimum width of 65 feet measured along the front street line to be developed today with a single-family dwelling.

4. Petitioners would like to construct a 6' x 10'4" covered deck on the rear of the dwelling and an 11' x 18'6" screened porch on the left rear corner of the dwelling next to the covered deck (Exh. 3), but a variance is needed to obtain a building permit. Since the allowed amount of net lot coverage is already exceeded by existing development on the property and construction of the porches would cause it to be further exceeded, a variance of 5.3% net lot coverage was requested. Exhs. 12-13.

5. Petitioners stated that their plan would involve removing an existing 9.7' x 12.5' open deck and replacing it with a larger, partially-screened, L-shaped, covered deck that would increase their enjoyment of their property because it would provide a shelter from mosquitos and sun exposure for themselves and their two young children. Exh. 2.

6. Rachel Hinton testified that the construction would fill out the rear corner of the house and extend over some gravel area already counted as lot coverage. Exhs. 6, 21.

7. She stated that the owners of the two neighboring owner-occupied properties who would be impacted by the construction had no objections to the request. Exhs. 22(A)-(C).

8. The Historic Preservation & Public Facilities Planning Section of M-NCPPC stated that the property is within the Mount Rainier National Historic District (NRHD), there are no federal guidelines for new construction within an NRHD and the property is not protected under Subtitle 29 of the Prince George's County Code.

9. The City of Mount Rainier supported the variance request. Exh. 23.

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 property being subdivided in 1907, the net lot area of the property being less than the current requirement for development in the R-55 Zone, the narrowness of the property, the proposed construction replacing an older deck which will be removed, some existing gravel area already counted as net lot coverage, the need for protection from the health hazard of mosquitos, 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 5.3% net lot coverage in order to validate existing conditions and construct a 6' x 10'4" covered deck and 11' x 18'6" screened porch on the property located at Lot 26, Block 8, Rogers' Second Addition to Mount Rainier Subdivision, being a Re-Subdivision of Block 5 of Edgemont Subdivision, being 3802 33rd Street, Mount Rainier, 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 3, and the approved elevation plan, Exhibit 4.

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.