

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-9-14 Ricky Enwere

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: March 12, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on April 14, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Mount Rainier
Other Interested Parties

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

Petitioner: Ricky Enwere

Appeal No.: V-9-14

Subject Property: Lot 71-A, Rhode Island Avenue 2nd Addition to Mount Rainier Subdivision, being 4018
36th Street, Mount Rainier, Prince George's County, Maryland

Municipality: City of Mount Rainier

Witnesses: Beatrice Enwere, wife of Petitioner

Ricky Enwere, son of Petitioner

Ricka Enwere, daughter of Petitioner

Emmett Fiawoo, brother of Petitioner

Patrick Bernard, friend

Heard and Decided: March 12, 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, 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. Petitioner proposes to validate existing conditions and construct a two-story addition. A variance of 11.1% net lot coverage is requested.¹

Evidence Presented

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

1. The property was subdivided in 1999, contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 9 and 10. The existing single-family dwelling was built in 2001. Exhs. 9 and 10.
2. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 10.
3. The property is a long and narrow lot, being 125 feet deep and only 40 feet wide.
4. Dwellings on other lots on Rhode Island Avenue are larger than Petitioner's dwelling. Exhs. 6(A) and (B), 11(A) through (E).
5. Petitioner would like to construct a 16' x 24' two-story addition on the rear of the dwelling, but a variance is needed to obtain a building permit. Since the allowed amount of net lot coverage is exceeded by existing development on the property, and construction of the addition would cause further coverage, a variance of 11.1% net lot coverage was requested. Exhs. 12 and 13.

¹ When the appeal was advertised, a variance of 12 feet front yard depth was also requested, but that variance was granted in 1999 (Appeal No. V-112-99) for initial construction of the existing single-family dwelling. Exh. 7.

6. Petitioner testified that he bought the property in 2001 when he was single, but he is now married with three children and a mother-in-law who cannot traverse stairs. He further explained that the house currently has only three bedrooms and his children need their own rooms.

7. Petitioner further testified that additions have been built on properties on his street. Exhs. 6(A) and (B).

8. Patrick Bernard supported Petitioner's request.

9. The City of Mount Rainier also supported the request. Exh. 18.

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 small size of the property, Petitioner's family having grown since he purchased the property, the need for additional living space, 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 11.1% net lot coverage in order to validate existing conditions and construct a 16' x 24' two-story addition on the property located at Lot 71-A, Rhode Island Avenue 2nd Addition to Mount Rainier Subdivision, being 4018 36th 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 2, and the approved elevation plan, Exhibit 3.

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.