

*NOTICE OF FINAL DECISION
OF BOARD OF APPEALS*

RE: Case No. V-27-14 521 68th LLC

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: May 7, 2014.

CERTIFICATE OF SERVICE

This is to certify that on May 21, 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 Seat Pleasant
Other Interested Parties

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

Petitioner: 521 68th LLC

Appeal No.: V-27-14

Subject Property: Lots 57 & 58, Block 4, Oakmont Subdivision, being 521 68th Place, Capitol Heights,
Prince George's County, Maryland

Municipality: City of Seat Pleasant

Counsel for Petitioner: Greg Milton, Esq.

Witnesses: Bronwyn Scott, co-owner
Randall Clark, co-owner

Heard and Decided: May 7, 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 construct a two-story single-family dwelling and driveway. A variance of 4.6% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1906, contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is proposed to be improved with a two-story single-family dwelling and driveway. Exhibits ("Exhs.") 1 through 4, 9 and 10.
2. The property consists of two 25' x 100' zoning lots. Exhs. 2 and 4.
3. Petitioner would like to construct a 30' x 45' two-story dwelling and driveway, but a variance is needed in order to obtain a building permit. Since construction of the proposed dwelling and driveway would cause the allowed amount of net lot coverage to be exceeded, a variance of 4.6% net lot coverage was requested.
4. Bronwyn Scott testified that it was not discovered that a variance was needed until the house design plans had already been completed. She explained that Petitioner is building three houses on similar lots in the same neighborhood with the same architectural plan and the 30% maximum is not exceeded on the other properties. She stated that it would be a hardship if the building plan for this property had to be redone. She explained that there is a lot of renovation in the area and the proposed house design fits in with those of the newer homes, including the house next door.
5. Randall Clark testified that the subject property is located on a street where rebuilding is occurring to improve the neighborhood.
6. The City of Seat Pleasant expressed support for the variance 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 property being subdivided in 1906, the small size of the property in relation to the current lot area requirement, the house design being consistent with other new homes in the area, the area undergoing much renovation, the need for a variance not being discovered until architectural plans for the house had been completed, 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 4.6% net lot coverage in order to construct a 30' x 45' two-story single-family dwelling and driveway on the property located at Lots 57 & 58, Block 4, Oakmont Subdivision, being 521 68th Place, 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 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.