

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-88-15 James Ware, Sr.

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: September 30, 2015.

CERTIFICATE OF SERVICE

This is to certify that on October 14, 2015, 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

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

Petitioner: James Ware, Sr.

Appeal No.: V-88-15

Subject Property: Lots 46 & 47, Block 5, Oakmont Subdivision, being 511 68th Street, Capitol Heights,
Prince George's County, Maryland

Municipality: City of Seat Pleasant

Heard: September 9, 2015; Decided: September 30, 2015

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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 variances 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 variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth and 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 one-story addition. Variances of 12 feet front yard depth and 6% net lot coverage are requested.

Evidence Presented

1. The subject property contains 5,250 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. Exhibits ("Exhs.") 2, 7 and 8. The existing dwelling was built in 1920. Exhs. 7 and 8.

2. The property is a building lot made up of two zoning lots that were subdivided in 1906. Exhs. 2 and 4. The property is narrow, being only 50 feet wide. Exh. 2.

3. The detached garage is located in the rear yard and accessed by a 760-square-foot driveway on the left side of the property. Exhs. 2 and 11.

4. Petitioner would like to construct a 7' x 10' one-story addition (Exhs. 2, 3(a) and (b), 20), enclosing a portion of the existing covered front porch into living space, but variances are needed to obtain a building permit. Since the existing porch is, and the proposed addition would be, located 13 feet from the front street line, a variance of 12 feet front yard depth was requested. Exh. 12.

5. In addition, since the allowed amount of net lot coverage is exceeded by existing development on the property, a variance of 6% net lot coverage was also requested to validate that existing condition. Exhs. 11 and 12.

6. Petitioner explained that he has a tenant with three growing children and there is only one bathroom in the house. He explained that he would like to enclose half of the 20-foot-wide front porch (Exhs. 5(A) through (C)) to construct a master bath.¹

¹ Petitioner further testified that the exterior of the addition will have vinyl siding and be well insulated. Exh. 19. He stated that there will be a window on the front of the addition. See Exhs. 3(a) and 20.

7. Petitioner submitted photographs of two other houses on 68th Street where the front porches were similarly enclosed into living space. Exh. 22.

8. The City of Seat Pleasant had no comment on the request. Exh. 17.

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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1906, the dwelling being built in 1920, the narrowness of the building lot, the proposed enclosure of a portion of the existing covered front porch not changing the footprint of the dwelling, the existing dwelling only having one bathroom for all family members, 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, by majority vote, Vice Chairman Albert Scott abstaining, that variances of 12 feet front yard depth and 6% net lot coverage in order to validate existing conditions and construct a 7' x 10' one-story addition on the property located at Lots 46 & 47, Block 5, Oakmont Subdivision, being 511 68th Street, Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, the approved elevation plans, Exhibits 3(a) and (b), and the approved supplemental elevation plan, Exhibit 20.

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.