

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-84-15 Walter and Cathy Stanley

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 9, 2015.

CERTIFICATE OF SERVICE

This is to certify that on September 21, 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: Petitioners
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

Petitioners: Walter & Cathy Stanley

Appeal No.: V-84-15

Subject Property: Lot 11, Block C, Gregory Estates Subdivision, being 6401 Greig Street, Capitol Heights,
Prince George's County, Maryland

Municipality: City of Seat Pleasant

Witness: Dan Moore, Remodel USA, Inc.

Heard and Decided: September 9, 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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth and a rear yard at least 20 feet in depth/width. Petitioners propose to validate existing conditions and construct a deck and screened porch. Variances of 3 feet side street yard depth and 11 feet rear yard depth/width are requested.

Evidence Presented

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

1. The property was subdivided in 1949, contains 5,600 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1949. Exhs. 7 and 8.

2. The property is an odd-shaped corner lot, with the house facing the legal side street (Greig Street), and driveway access to the property is off of the legal front street (64th Avenue). Exh. 2.

3. Petitioners would like to construct a 9' x 12' deck and 9' x 15' screened porch, with landing and steps, on the rear of the existing dwelling (Exh. 2), but variances are needed to validate existing conditions on the property before a building permit may be obtained to build the deck and porch. Since the existing dwelling is located 22 feet from the side street line and 9 feet from the rear lot line, variances of 3 feet side street yard depth and 11 feet rear yard depth/width were requested. Exh. 11.

4. Petitioner Walter Stanley testified that they have lived at the property for about 10 years.

5. Dan Moore, Petitioner's contractor, testified that there is little space in the rear yard. He explained that an existing roof extending out from the back of the house (Exhs. 5(B) through (D)) would be removed and two doors from the house will be added with the new construction. Exh. 3. He stated that the new porch will be the same size as and built over the existing patio.

6. Petitioner Cathy Stanley testified that now they have to walk around the side of the house from their kitchen to the grilling area but with the new door they will be able to come through the dwelling and exit directly onto the porch.

7. The City of Seat Pleasant submitted no comment on the request. Exh. 16.

8. The Historic Preservation Section of M-NCPPC commented that the subject property is located within 200 feet of Historic Site Addison Chapel (72-008) and the request for variances has no effect on Historic Sites, Historic Resources or Historic Districts. Exh. 15.

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 unusual shape of the property, the property being a corner lot, the existing house facing the legal side street, the side of the existing house being too close to the legal rear property line, the covered front porch being too close to the side street line, the proposed construction providing two additional safety exits from the house, 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, by majority vote, Mr. Scott absent, that variances of 3 feet side street yard depth and 11 feet rear yard depth/width in order to validate existing conditions and construct a 9' x 12' deck and 9' x 15' screened porch on the property located at Lot 11, Block C, Gregory Estates Subdivision, being 6401 Greig Street, Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances 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.