

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-51-15 Venkataiah Sreenivas, et al.

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 24, 2015.

CERTIFICATE OF SERVICE

This is to certify that on July 22, 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
DPIE/Inspections Division
Kentland Civic Association

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

Petitioners: Venkataiah, Leelavathi and Sambrum Sreenivas

Appeal No.: V-51-15

Subject Property: Lot 6, Block E, Kentland Subdivision, being 7011 Kent Town Drive, Landover,
Prince George's County, Maryland

Witnesses: Connie Robinson, neighbor

Shirley Tucker, neighbor

Matina Redd, neighbor

Heard and Decided: June 24, 2015

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 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 lot shall have a front yard at least 25 feet in depth, 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, and Section 27-442(i)(Table VIII), which prescribes that not more than 25% of the rear yard shall be covered by accessory buildings. Petitioners propose to validate existing conditions and obtain a building permit for a detached garage and shed. Variances of 3 feet front yard depth, 33.2% net lot coverage and 14.7% rear yard coverage are requested.

Evidence Presented

1. The property was subdivided in 1950, contains 4,559 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling, driveway, detached garage and shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The dwelling was built in 1950. Exhs. 8 and 9.
2. The property is a long and narrow lot, being 30 feet wide and 152 feet deep. Exh. 2.
3. Petitioners were cited by the County with Building Violation Notice No. 3522-15-00, dated January 15, 2015, issued by the Department of Permitting, Inspections and Enforcement, Inspections Division, requiring that the required building permit(s) and inspection(s) be obtained for work done on the property, including but not limited to a garage. Exh. 6.
4. Petitioners would like to obtain a building permit for the prior construction of a 22' x 23.5' detached garage and 13' x 22' shed, but variances are required prior to issuance of a permit. Since existing development on the property covers more net lot area than is permitted, and construction of the garage and shed also caused the allowed amount of rear yard coverage to be exceeded, variances of 33.2% net lot coverage and 14.7% rear yard coverage were requested. Exhs. 13, 14 and 15.

5. In addition, since the covered front porch is located only 22 feet from the front street line, a variance of 3 feet front yard depth was also requested to validate the location of the dwelling. Exh. 15.

6. Petitioner Venkataiah Sreenivas testified that the structures for which permits are required were constructed in the 1990s. He explained that the property was in foreclosure when he purchased it last year. Exhs. 5(A) and (B). Petitioner further testified that there was a bad water leak causing the basement to be flooded and water was getting behind the siding because no rain gutter existed. He stated that the County cited him for the violations (structures built by the previous owner without a permit) when he became the new property owner and the need for variances became apparent when he applied for a building permit.

7. Matina Redd, who lives on the adjoining property on the right side (Lot 5) (Exh. 10(E)), stated that she has no issues with the request for variances.

8. Connie Robinson, owner of the other semi-detached dwelling (Lot 7), testified that damage was caused by the previous owner when an addition was constructed 10-12 years ago. She explained that Petitioners' house overlaps her house and rain coming off the top of the dwelling has destroyed her back step. She further explained that a rain pipe on top of both houses was removed causing water to travel straight down on the dwelling. She stated that her furnace was flooded by the water problem and she would like the (water) problems to be remedied.

9. Petitioner Venkataiah Sreenivas further testified that to correct the water problems which are common to both properties, Ms. Robinson has to have a gutter put on her house.

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 1950, the house being built in 1950, the narrowness of the property, the need to abate the water problem(s) common to the subject property and abutting property, variances being needed to validate existing conditions and obtain required permit(s), 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 variances of 3 feet front yard depth, 33.2% net lot coverage and 14.7% rear yard coverage in order to validate existing conditions and obtain a building permit for a 22' x 23.5' detached garage and 13' x 22' shed on the property located at Lot 6, Block E, Kentland Subdivision, being 7011 Kent Town Drive, Landover, 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 plans, Exhibits 3(A) through (D).

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.