

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-104-13 Maria Rodriguez

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: February 11, 2015.

CERTIFICATE OF SERVICE

This is to certify that on April 1, 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

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

Petitioner: Maria Rodriguez

Appeal No.: V-104-13

Subject Property: Lot 9, Block 0, Chapel Oaks Subdivision, being 1204 Chapel Oaks Drive, Capitol Heights, Prince George's County, Maryland

Heard and Decided: February 11, 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, 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 a side yard at least 8 feet in width, 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 construct a one-story addition, two covered front porches and an open landing with steps. Variances of 4 feet front yard depth, 3 feet side yard width and 5.5% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1943, contains 5,976 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, shed, concrete driveway and asphalt driveway. Exhibits ("Exhs.") 4, 7, 8 and 15. The dwelling was built in 1944. Exhs. 7 and 8.
2. The subject lot widens slightly from front to rear and has an angled rear property line. Exhs. 4 and 15.
3. Petitioner would like to construct an 11' x 15.16' one-story addition, 4' x 4' open landing with steps, 5' x 11' covered front porch and 5' x 25' covered front porch, but the following variances are needed to obtain a building permit for the proposed construction. Since the front porches would be located 21 feet from the front street line and the landing would be located 5 feet from the side lot line, variances of 4 feet front yard depth and 3 feet side yard width were requested. Exh. 17. In addition since construction of the addition and porches would cause the allowed amount of permitted net lot coverage to be exceeded, a variance of 5.5% net lot coverage was also requested. Exhs. 16 and 17.
4. There is an existing screened porch, which extends forward of the rest of the house, where the one-story addition is proposed. Exhs 5(B), 9(G) and 15.
5. Petitioner testified that she has owned the property for two years. She explained that the house is very small and she would like to replace the screened porch that is on the side of the house with an addition for a dining room. She added that the screened porch is very old (Exh. 5(B)), she believes it was built when

the house was built (1944), and the proposed one-story addition to replace it will be almost the same size as the old porch. She noted that there would be a new foundation for the addition.

6. Petitioner further testified that she would like to also build a small covered front porch in front of the addition as well as a roof supported by pillars across the rest of the front of the house. Exhs. 21(a) through (c). She explained that water currently collects by the front door and travels into her basement and extending a roof across the front will help alleviate the water problem. Petitioner stated that similar porches exist on properties in the neighborhood, including the house next door. Exhs. 9(A) and (D). She noted that most of these porches have been enclosed.

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 widening from front to rear, the property being subdivided in 1943, the house being built in 1944, the small size of the house, the lack of a dining room in the house, the existing screened porch being very old, the existing porch extending forward of the front line of the house, the proposed one-story addition being almost the same size as the porch it would replace, 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 variances of 4 feet front yard depth, 3 feet side yard width and 5.5% net lot coverage in order to construct an 11' x 15.16' one-story addition and 4' x 4' open landing steps, a 5' x 11' covered front porch and a 5' x 25' covered front porch on the property located at Lot 9, Block 0, Chapel Oaks Subdivision, being 1204 Chapel Oaks Drive, 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 revised site plan, Exhibit 15, and the approved revised elevation plans, Exhibits 21(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.