

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-101-14 Kevin & Nichole Logan

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 February 25, 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 Mount Rainier
Other Interested Parties

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

Petitioners: Kevin and Nichole Logan

Appeal No.: V-101-14

Subject Property: Lot 6, Block 16, Mount Rainier Subdivision, being 3204 Varnum Street, Mount Rainier,
Prince George's County, Maryland

Municipality: City of Mount Rainier

Witnesses: Gayle Patrick, Petitioners' architect

Ed Porter, Petitioners' contractor

Heard: January 28, 2015; 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, 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 and a side yard at least 7 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. Petitioners propose to validate existing conditions and construct a one-story addition with basement garage and driveway extension. Variances of 14 feet front yard depth, 4 feet side yard width and 10.5% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1903, contains 6,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 10 and 11. The existing dwelling was built in 1934. Exhs. 10 and 11.
2. The property is a long and narrow lot, being 130 feet deep and 50 feet wide. Exh. 2.
3. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 11.
4. Petitioners would like to construct an 18' x 24.1' one-story addition with a basement level garage (which would meet all current setback requirements) and an 18' x 18' driveway extension, but variances are needed to obtain a building permit for the construction. Since construction of the addition and driveway extension would cause the allowed amount of net lot coverage to be exceeded, a variance of 10.5% net lot coverage was requested. Exhs. 13 and 14.
5. Validation of certain existing conditions is needed to obtain the permit. Since the existing dwelling is located only 11 feet from the front street line and only 3 feet from the left side lot line, variances of 14 feet front yard depth and 4 feet side yard width were also requested. Exh. 14.

6. Petitioner Kevin Logan testified that the house, which is not habitable, is being renovated because additional living space is needed.

7. Gayle Patrick, Petitioners' architect, explained that the proposed two-level addition on the rear of the house would contain a two-car garage at the basement level and above that would be constructed a master suite. Exhs. 6(B) and (C). She further explained that the driveway extension would go "into the yard a bit" in order to enter the garage. Exh. 2.

8. The City of Mount Rainier approved the variance request with the caveat that Petitioners are encouraged to install the driveway with pervious material. Exh. 24.

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 1903, the narrowness of the property, the location on the property of the dwelling that was built in 1934 not meeting current front and left side yard setback requirements, the need for additional living space, the proposed addition meeting all current setback requirements, access to the proposed garage requiring extension of the existing driveway, 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 14 feet front yard depth, 4 feet side yard width and 10.5% net lot coverage in order to validate existing conditions and construct an 18' x 24.1' one-story addition with basement garage and driveway extension on the property located at Lot 6, Block 16, Mount Rainier Subdivision, being 3204 Varnum Street, Mount Rainier, 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.