

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-76-14 Anand Devadas

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: November 5, 2014.

CERTIFICATE OF SERVICE

This is to certify that on November 12, 2014, 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: Anand Devadas

Appeal No.: V-76-14

Subject Property: Lot 18, Block Q, Chapel Oaks Subdivision, being 1202 Dunbar Oaks Drive, Capitol Heights, Prince George's County, Maryland

Witness: Moses Yogaraj

Heard and Decided: November 5, 2014

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 a variance 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 a variance 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. Petitioner proposes to validate an existing condition and construct a one-story addition. A variance of 2.2 feet front yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1944, contains 6,435 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1944. Exhs. 7 and 8.
2. The property is an irregular-shaped lot, only 44.8 feet wide at the front street line and widening slightly from front to rear. Exh. 2.
3. Petitioner would like to construct a 9.5' x 18.5' one-story addition on the side of the existing dwelling to replace an existing screened porch, but a variance is needed to obtain a building permit. Since the front line of the addition would extend forward of the rest of the house and be located 22.8 feet from the front street line, a variance of 2.2 feet front yard depth was requested. Exh. 11.
4. Petitioner testified that the screened porch has a roof that is rusty and leaks and he would like to replace the porch (in the same footprint) with a family room and dining room. Exhs. 3, 5(A) through (C). Petitioner explained that the house is small (25' x 29'/13' x 15'). Exh. 2. He explained that there is an existing door leading from the porch into the kitchen which will be retained in the addition.
5. Petitioner stated that his house is one of the few houses in the neighborhood on which no addition has been built. He explained that the subject property has been vacant, neglected and vandalized, and the proposed plan will greatly improve its appearance.

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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the lot, an existing screened porch being in poor condition, the need for additional living space, the proposed addition to be built on the same footprint as the screened porch, the proposed addition retaining an existing door, the porch/addition footprint extending forward of the front line of the house and not meeting the current front yard setback requirement, the proposed plan improving the appearance of the property, 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, Ms. Johnson absent, that a variance of 2.2 feet front yard depth in order to validate an existing condition and construct a 9.5' x 18.5' one-story addition on the property located at Lot 18, Block Q, Chapel Oaks Subdivision, being 1202 Dunbar Oaks Drive, Capitol Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance 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.