

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-57-14 Marshall & Bhanmatte Ramroop

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 3, 2014.

CERTIFICATE OF SERVICE

This is to certify that on September 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: Petitioners
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

Petitioners: Marshall & Bhanmatte Ramroop

Appeal No.: V-57-14

Subject Property: Lot 11, Block A, Heitmuller Estates Subdivision, being 2215 Metzert Road, Adelphi,
Prince George's County, Maryland

Witness: Peter Selman, Petitioners' consultant

Heard and Decided: September 3, 2014

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(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking, and Section 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioners propose to validate existing conditions and obtain a building permit to complete construction of a one-story addition. A variance of 5% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1949, contains 10,660 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway (partly circular) and shed. Exhibits ("Exhs.") 2, 4, 10 and 11
2. Petitioners would like to obtain a building permit to complete construction of a 4'6" x 24'6" one-story addition to the side of the existing dwelling (Exh. 2), but variances are needed before a building permit may be obtained. Since current development¹ on the property already causes the allowed amount of net lot coverage (25%) to be exceeded, and the proposed construction would cause further overage, a variance of 5% net lot coverage was requested. Exh. 15.
3. Since Petitioners' driveway is located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was also requested. Exh. 15.
4. Petitioner Bhanmatte Ramroop testified that their house is too small to accommodate Petitioners, their child and her husband's aging parents who have health issues.²

¹ Petitioners recently converted their carport into living space. Exh. 8.

² Petitioners submitted a letter from the family physician explaining the health conditions of Mr. Ramroop's parents and the necessity of living with their son. Exh. 6.

5. Peter Selman, Petitioners' consultant, testified that other additions have been built in the neighborhood and explained that the exterior of Petitioners' addition will have siding. He stated that concrete planters will be put in where the existing driveway runs up to the façade of the house.

6. Peter Selman testified that enclosure of the carport (the proposed addition) does not infringe into any required setback. See also Exh. 2.

7. Bhanmatte Ramroop testified that the door and window currently in the carport enclosure will be replaced with a door on the side of the addition and a larger window matching the windows of the rest of the house. Exhs. 3(a) and (b). She stated that putting the additional living space at the front of the house rather than the rear makes it more accessible for her husband's parents.

8. Petitioner Marshall Ramroop testified that the street is busy with traffic and many driveways exist in front yards in the neighborhood.

9. Sanni Assni, the owner of adjoining property on the side where the addition is proposed, supported the variance request. Exh. 7.

10. The Subdivision Section of The Maryland-National Capital Park and Planning Commission reviewed the request and commented that the submitted location drawing shows an existing overhang on the front of the house which extends beyond the recorded building restriction line (BRL), but the proposed addition does not encroach on the BRL and no minor final plat to remove the BRL is required. Exh. 20.

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 house being small, the need for additional space to accommodate aging parents with health issues, the conversion of an existing carport into living space being partially constructed, enclosure of the carport not infringing into any required setback, the need to drive/park vehicles close to the entrance to the house to accommodate the parents, the street being busy with traffic, and the character of the neighborhood (which includes other front yard parking areas), 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 a variance of 5% net lot coverage and a waiver of the parking area location requirement in order to validate existing conditions and obtain a building permit to complete construction of a 4'6" x 24'6" one-story addition on the property located at Lot 11, Block A, Heitmuller Estates Subdivision, being 2215 Metzert Road, Adelphi, 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) and (b).

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.