

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-55-14 Anke Scultetus & Angela Kurtz

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 15, 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
Carole Highlands Neighborhood Association

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

Petitioners: Anke Scultetus and Angela Kurtz

Appeal No.: V-55-14

Subject Property: Lot 5, Block S, Carole Highlands Subdivision, being 7503 16th Avenue, Takoma Park,
Prince George's County, Maryland

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 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, Petitioners request 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. Petitioners propose to construct a one-story addition. A variance of 5 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 1946, contains 9,304 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a two-story single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The dwelling was constructed in 1947. Exhs. 7 and 8.
2. The property is long and narrow with a front street line only 55 feet wide. Exhs. 2 and 4.
3. Petitioners would like to construct a 5' x 10'/10' x 13' one-story addition on the front of the existing dwelling (Exh. 2), but a variance is needed before a building permit may be obtained. Since the addition would be located 20 feet from the front street line at the closest point, a variance of 5 feet front yard depth was requested. Exh. 11.
4. Petitioner Anke Scultetus testified that their house is small, is not "very functional for modern-day life" and more living space is desired. She stated that it is very difficult for her father and Petitioner Angela Kurtz's mother, to use their walker and wheelchair, respectively, to comfortably visit Petitioners in their house as it now exists. Exh. 17, p. 2.
5. Ms. Scultetus further testified that the proposed addition would be one story, bring the entire 23-foot width of the front of the house forward 5 feet and bring a 13-foot portion of that width forward an additional 5 feet. Exhs. 2 and 17, pp. 3-5. She explained that the current setback requirements allow the extension forward the first 5 feet, but a variance is needed for the portion that will extend 10 feet. She stated that concrete pillars, to be covered with brick to match the brick of the existing house, will elevate the proposed addition to be flush with the rest of the living room. Exhs. 18(a) through (c). She further stated that the tree located in the front yard will not have to be removed to accommodate the proposed development.

6. Petitioner Angela Kurtz testified that their house sits up on a "little hill" above the sidewalk. Exhs. 5(a) through (c) and 17, p. 7.

7. Ms. Scultetus stated that their front yard sits 7-8 feet higher than the sidewalk so the front of the house (where the proposed addition will be built) is not as visible from the street as other houses in the neighborhood. She further stated that the subject property is narrow and the proposed addition cannot be built to the side. She explained that the subject property contains a long, elevated back yard causing rain to collect in the rear. She stated that it would be a huge undertaking to regrade the rear yard in order to build an addition in the rear.¹

8. She explained that in the neighborhood there are additions on many houses, some as added living spaces and others as added front porches. She stated that most of the neighborhood additions were built without brick. Exh. 17, pp. 10-19.

9. Ms. Kurtz testified that the exterior of the proposed addition will be "hardy back" siding, which she states is energy efficient and will match the material on the left side of the house and will also blend in with the color of the brick. Exhs. 18(a) through (c).

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 property being subdivided in 1946, the house being built in 1947, the need for additional living space on the first level to provide more space to walk and maneuver walkers/wheelchairs for future aging of owners and for aging parents who frequently visit the property, the narrowness of the property, the rear yard being elevated and runoff water collecting next to the house, the reduced visibility of the front of the house due to it being 7-8 feet above street level, 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, by majority vote, Mr. Scott absent, that a variance of 5 feet front yard depth in order to construct a 5' x 10'/10' x 13' one-story addition on the property located at Lot 5, Block S, Carole Highlands Subdivision, being 7503 16th Avenue, Takoma Park, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in

¹ She noted that there is a pre-existing small extension on the back of the house. Exh. 17, p. 8.

compliance with the approved site plan, Exhibit 2, and the approved revised elevation plans, Exhibits 18(a) through (c).

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.