

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-121-13 Mirtha Guzman

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: January 29, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on February 10, 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
Town of Fairmount Heights

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

Petitioner: Mirtha Guzman

Appeal No.: V-121-13

Subject Property: Lots 53, 54 & 55, Block G, Fairmount Heights Subdivision, being 708 60th Place, Capitol Heights, Prince George's County, Maryland

Municipality: Town of Fairmount Heights

Witnesses: Cynthia Garcia, friend
Erick Garcia, friend

Heard and Decided: January 29, 2014

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 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 two-story addition. A variance of 15 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 1900, contains 8,625 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1915. Exhs. 8 and 9.
2. The property consists of three 25' x 110' lots. Exhs. 2 and 4. The existing dwelling is located on the middle lot, the driveway on the leftmost lot and the shed on the rightmost lot. Exh. 2.
3. Petitioner would like to construct a 10'7" x 47' two-story addition on the left side of the existing dwelling, but a variance is needed to obtain a building permit. Since the existing enclosed porch on the front of the house is located only 10 feet from the front street line, a variance of 15 feet front yard depth was requested to validate the existing dwelling. Exh. 11. Since the proposed addition would be located only 16 feet from the front street line, the variance would also allow construction beyond the required setback.
4. Petitioner testified that the house is in poor condition and she would like to enlarge it when she renovates it. She testified that the other houses in the neighborhood are generally larger than hers. She stated that she would retain the original two-story house structure, the proposed two-story addition on the left side would enlarge the rectangular footprint of the house, and a new roof would cover the entire dwelling.
5. She further stated that she will renovate the porch on the house and noted that every house on her street has a front porch.
6. Petitioner conveyed that her neighbors were pleased that the subject property would be cleaned up.
7. The Town of Fairmount Heights did not object to the variance request. Exh. 17.

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 1900, the house being built many years ago, the houses in the neighborhood generally being larger than the house on the subject property, the house being in poor condition and needing to be rehabilitated, all houses on Petitioner's street having front porches, 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 a variance of 15 feet front yard depth in order to validate an existing condition and construct a 10'7" x 47' two-story addition on the property located at Lots 53, 54 & 55, Block G, Fairmount Heights Subdivision, being 708 60th Place, 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.