

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-48-16 6214 Lee Place, LLC

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: June 8, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on June 15, 2016, 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: 6214 Lee Place, LLC

Appeal No.: V-48-16

Subject Property: Lots 33 & 35, Cedar Heights Subdivision, being 6214 Lee Place, Capitol Heights,
Prince George's County, Maryland

Counsel for Petitioner: John Nader, Esq., Stradley, Ronon, Stevens & Young, LLP

Witness: Larry Nader, principal of 6214 Lee Place, LLC

Heard and Decided: June 8, 2016

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, second-story addition and deck. A variance of 18.5 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided prior to 1909, contains 6,750 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits ("Exhs.") 2, 4(a) and (b), 9 and 10. The existing dwelling was built in 1930. Exh. 9.

2. The property is a long and narrow lot, being 135 feet deep and only 50 feet wide. Exh. 2.

3. Petitioner would like to construct a two-story addition (4' x 39.3'/11.3' x 11.6'), second-story addition (12.5' x 13.3'/24' x 30') and deck (15.6' x 16') on the property (Exh. 2), but a variance is needed to obtain a building permit. Since the existing covered front porch is only 6.5 feet from the front street line (Exhs. 2 and 5), a variance of 18.5 feet front yard depth was requested to validate that existing condition. Exh. 12.

4. Counsel for Petitioner explained that approval of the variance request would allow for renovation of the property and enlargement of the dwelling with construction of additions, including a second-story addition, and a deck. It was stated that a variance for the setback of the front porch from the street must be obtained to improve the dwelling which is currently in generally poor condition.

5. Larry Nader testified that the house is small, is in deplorable condition and is not structurally sound.

6. He stated that he is proposing to increase the footprint of the house by four feet on the left side and square it off with an additional 12 feet on the left side of the rear. He explained that the first floor will have an open flow, be entirely accessible and the proposed second story will have four bedrooms and two

bathrooms. He further stated that there will be vinyl siding on the exterior and the house will be in character with the rest of the neighborhood.

7. He further testified that the house located directly to the left of the subject property is the same distance from the street. Exhs. 6(A), 11(A) and (E). He stated that there are two-story houses and large houses on other streets in the neighborhood.

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 property being subdivided in 1909, the dwelling being built in 1930, the dwelling being very small and in poor condition, the need for additional living space, the street setback of the dwelling requiring validation in order to obtain a building permit for the proposed improvements, 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 18.5 feet front yard depth in order to validate an existing condition and construct a 4' x 43.3'/11.6' x 13.3' two-story addition, 12.5' x 13.3'/24' x 30' second-story addition and 15.6' x 16' deck on the property located at Lots 33 & 35, Cedar Heights Subdivision, being 6214 Lee 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.