

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-29-16 Cornerstone Capital Investments 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: May 11, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on June 1, 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
Beltsville Citizens Association

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

Petitioner: Cornerstone Capital Investments LLC

Appeal No.: V-29-16

Subject Property: Lot 12, Block 26½, Beltsville Subdivision, being 4803 Powder Mill Road, Beltsville,
Prince George's County, Maryland

Counsel for Petitioner: Daniel F. Lynch, Esq., McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.

Witness: Guillermo Martinez, principal of Cornerstone Capital Investments LLC

Heard and Decided: May 11, 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 rear yard at least 20 feet in depth/width. Petitioner proposes to validate an existing condition and construct a second-floor addition and covered front porch. A variance of 15 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 1930, contains 14,788 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 1969. Exh. 7.
2. The property is a corner lot with the dwelling facing the legal side street (Powder Mill Road). Exh. 2. The house is located in the southwest corner of the lot and there is almost no rear yard. Exh. 2. The existing driveway accesses the property off of Powder Mill Road. Exh. 2.
3. Petitioner would like to construct a 20' x 42.1' second-floor addition and 4' x 6' covered front porch, but a variance is needed to obtain a building permit. The existing 17.6' x 42.1' dwelling is located 5.5 feet from the rear lot line. Since the proposed second-floor has an overhang and will be only 5 feet from the rear lot line, a variance of 15 feet rear yard depth/width was requested. Exh. 14.
4. Counsel for Petitioner explained that Petitioner would like to rehab the property, modernizing it for resale. Counsel stated that the dwelling is the only one-story house in the neighborhood, is the oldest dwelling in the community and the property needs to be improved to be consistent with the properties in the neighborhood. Counsel believes that the subdivision is one of the oldest in Prince George's County and the proposed improvements are consistent with the recommendations in the Subregion I Master Plan for older homes in the area.
5. Counsel further explained that Petitioner intends on turning the existing one-story structure into a two-story dwelling. Counsel stated Petitioner's hardship is that the requested variance is necessary to

validate the existing location of the dwelling in order to obtain a building permit to make any improvements on the property.

6. Guillermo Martinez testified that there will be 8-foot ceilings in the dwelling and the exterior will have siding.

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 a corner lot with almost no rear yard, the property being subdivided in 1930, the house being built many years ago, the house being the only one-story dwelling in the neighborhood, the variance being needed to obtain a building permit to make any improvements, the proposed second story only changing the setback slightly because of an overhang, the renovations to the property being needed to modernize the dwelling to be consistent with most other houses in the community, 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 rear yard depth/width in order to validate an existing condition and construct a 20' x 42.1' second-floor addition and a 4' x 6' covered front porch on the property located at Lot 12, Block 26½, Beltsville Subdivision, being 4803 Powder Mill Road, Beltsville, 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.