

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-30-16 Roberto Granados

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 21, 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
Town of Fairmount Heights

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

Petitioner: Roberto Granados

Appeal No.: V-30-16

Subject Property: Lots 35 & 36, Block I, Fairmount Heights Subdivision, being 718 62nd Avenue, Capitol Heights, Prince George's County, Maryland

Municipality: Town of Fairmount Heights

Witness: James Pinkney, Code Enforcement Officer, Town of Fairmount Heights

Heard: May 11, 2016; Decided: June 6, 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 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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a front yard at least 25 feet in depth; Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side lot line and generally be located only in the rear yard. Petitioner proposes to validate existing conditions and construct a one-story addition and deck. Variances of 9 feet front yard depth for the dwelling, 7.7% net lot coverage, 31 feet front street line setback, 1.5 feet side lot line setback and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1900, but recorded in 1930, contains 6,125 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, 7 and 8. The existing single-family dwelling was built in 1930. Exh. 7.

2. The property is a corner lot with the dwelling facing the legal front street (62nd Avenue). Exh. 2. The property is a narrow lot, being only 39 feet wide at the front street and widening to 58 feet wide at the rear lot line. Exh. 2.

3. Petitioner would like to construct a 24.8' x 25' one-story addition and 10' x 20' deck on the rear of the existing dwelling (Exh. 2), but variances are needed to obtain a building permit. Since construction of the addition will cause the allowed amount of net lot coverage (30%) to be exceeded, a variance of 7.7% net lot coverage was requested. Exhs. 11 and 12.

4. In addition, since the existing covered front porch on the dwelling is located only 16 feet from the front street line, a variance of 9 feet front yard depth was requested to validate the existing location of the porch. Exh. 12.

5. Also, since an existing shed is located 29 feet from the front street line, .5 foot from the side lot line and is located in the side yard, variances of 31 feet front street line setback, 1.5 feet side lot line setback

and a waiver of the rear yard location requirement for an accessory building were also requested to validate the location of the shed. Exh. 12.

6. Petitioner testified that his family needs more family living space and because the house is so small he would like to add two bedrooms and a bathroom.

7. The Historic Preservation Section of M-NCPPC commented that the subject property is located within the National Register Historic District (Fairmount Heights 72-009-00), adjacent to Historic Site Fairmount Heights School (72-009-09) and the variance request will have no effect on Historic Sites, Historic Resources or Historic Districts. Exh. 15.

8. James Pinkney, Code Enforcement, Town of Fairmount Heights, testified that he thought Petitioner's request would have to be approved by Historic Preservation, but since the Historic Preservation Section has commented that the request has no effect, the Town of Fairmount Heights does not object.

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 built many years ago, the need for additional living space because of the small size of the dwelling, the location of an existing shed and front porch requiring validation in order to obtain a permit to construct 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 variances of 9 feet front yard depth for the dwelling, 7.7% net lot coverage, 31 feet front street line setback, 1.5 feet side lot line setback and a waiver of the rear yard location requirement for an accessory building in order to validate existing conditions and construct a one-story addition and deck on the property located at Lots 35 & 36, Block I, Fairmount Heights Subdivision, being 718 62nd Avenue, Capitol Heights, 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 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.