

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-36-16 5615 Addison Rd 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 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
City of Seat Pleasant

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

Petitioner: 5615 Addison Rd LLC

Appeal No.: V-36-16

Subject Property: Lot 74 and Part of Lots 75 & 76, Part of Godfrey's Second Addition to Fairmount Heights
Subdivision, being 5615 Addison Road, Capitol Heights, Prince George's County, Maryland

Municipality: City of Seat Pleasant

Counsel for Petitioner: Robert Cappell, Esq.

Witness: Jerry Mosby, Jr., Petitioner's architect

Heard: May 25, 2016; 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 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(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(e)(Table IV), which prescribes that each corner lot shall have a front yard and a side yard along the side street at least 25 feet in depth; and 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. Petitioner proposes to validate an existing condition and construct a covered front porch and two-story addition. Variances of 61 square feet net lot area, 10 feet front yard depth, 8.5 feet side street yard depth and .5% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1931, contains 4,939 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 9 and 10. The existing dwelling was built in 1915. Exh. 9.

2. The property is an odd-shaped corner lot with the dwelling facing the legal side street, Addison Road. Exh. 2. A right-of-way dedication of land area along Addison Road occurred in 1947 (recorded in 1949). Exhs. 2 and 5.

3. Petitioner would like to construct a 4' x 6' covered front porch and 19.2' x 30.5' two-story addition on the existing dwelling, but variances are needed to obtain a building permit. Since the porch will be located 15 feet from the front street line (62nd Place), 19 feet from the side street line (Addison Road) and construction of the porch and addition would cause the allowed amount of net lot coverage (30%) to be exceeded, variances of 10 feet front yard depth, 8.5 feet side street yard depth and .5% net lot coverage were requested. Exhs. 12 and 13.

4. Due to the taking of land for Addison Road, the property does not meet the current minimum lot size requirement (5,000 square feet in the R-55 Zone) and a variance of 61 square feet net lot area was also requested to validate that existing condition. Exh. 13.

5. Jerry Mosby testified that his client proposes to construct an addition and new front portico as part of a rehab of the house. He stated that even with removal of an enclosed porch (Photo (c) on Exh. 3) and gating off some concrete pad area, a variance for a small amount of lot coverage remains needed. He stated that the existing parking pad off of 62nd Place (Photo (d) on Exh. 3) is still needed because the County advised Petitioner that off-street parking area should be provided. A concrete walk leading to the concrete pad area will also be removed. Exh. 2.

6. Mr. Mosby further testified that the proposed addition is two stories, the house across the street has a two-story addition, and two-story houses are not unusual in the neighborhood. Exhs. 11(B) thru (E). He explained that demand in the area is for larger houses. He believed that the proposed improvements will greatly enhance the neighborhood.

7. The City of Seat Pleasant supported the request. Exhs. 17 and 23.

8. The Historic Preservation Section of M-NCPPC commented that the subject property is located adjacent to Addison Chapel and Cemetery (Historic Site 72-008) and the variance request has no effect on Historic Sites, Historic Resources or Historic Districts. Exh. 16.

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 property being a corner lot, the unusual shape of the property, the lot not meeting the minimum lot size requirement, the location of the existing house on the lot, the house being built in 1915, the existing front porch being replaced with a much smaller portico, an existing concrete walk being removed, a minimal amount of driveway area being retained, the need for additional living space to be consistent with the improvements in the neighborhood, 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 61 square feet net lot area, 10 feet front yard depth, 8.5 feet side street yard depth and .5% net lot coverage in order to validate an existing condition and construct a 4' x 6' covered front porch and 19.2' x 30.5' two-story addition on the property located at Lot 74 and Part of Lots 75 & 76, Part of Godfrey's Second Addition to Fairmount Heights Subdivision, being 5615 Addison Road, 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.