

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-55-16 Nnaemeka Agajelu

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 22, 2016.

CERTIFICATE OF SERVICE

This is to certify that on June 30, 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: Nnaemeka Agajelu

Appeal No.: V-55-16

Subject Property: Lots 5, 6 & 7, Block 8, Tolson Heights Subdivision, being 5920 Crown Street, Capitol Heights, Prince George's County, Maryland

Witness: Faisal Khadar

Heard and Decided: June 22, 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 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, 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 existing conditions and replace a covered front porch with an open deck and covered porch. Variances of 13 feet front yard depth and 3.2% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1900, contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 8 and 9.

2. The existing dwelling was built in 1914 and does not meet the current front setback requirement. Exhs. 2 and 8.

3. Petitioner would like to replace an existing covered front porch with a 4' x 9' covered stoop surrounded by an 8' x 30' open deck (Exh. 2), but variances are needed in order to obtain a building permit. Since the deck would be located 12 feet from the front street line, a variance of 13 feet front yard depth was requested.

4. In addition, a variance is required to validate the net lot coverage on the property in order to obtain a permit to allow construction of the covered front stoop. Since the allowed amount of net lot coverage (30%) is exceeded by development on the property despite the proposed replacement porch being smaller, a variance of 3.2% net lot coverage was requested. Exh. 12.

5. Petitioner testified that he purchased the property almost one year ago to be used as rental property. He believes that the roof on the existing front porch was never properly attached to the house and the porch is old, crumbling and a safety hazard. He proposes to remove the old porch and replace it with a smaller covered porch and open deck area.

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 subdivided in 1900, the house being built in 1913, the location of the existing house on the lot, the existing front porch being in poor condition and constituting a safety hazard, the amount of allowed net lot coverage being exceeded by existing development on the property, validation of lot coverage coverage being necessary to obtain a building permit, 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 13 feet front yard depth and 3.2% net lot coverage in order to validate existing conditions and replace a covered front porch with an 8' x 30' open deck and 4' x 9' covered porch on the property located at Lots 5, 6 & 7, Block 8, Tolson Heights Subdivision, being 5920 Crown Street, 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.