

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-37-16 Paul Staats and Jennifer Bulkeley

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 25, 2016.

CERTIFICATE OF SERVICE

This is to certify that on June 7, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of University Park

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

Petitioners: Paul Staats and Jennifer Bulkeley

Appeal No.: V-37-16

Subject Property: Lot 17, Block 2, University Park Subdivision, being 4407 Tuckerman Street, University Park, Prince George's County, Maryland

Municipality: Town of University Park

Witness: Dan Morrissey, neighbor

Heard and Decided: May 25, 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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 7 feet in width 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. Petitioners propose to validate existing conditions and convert an existing enclosed porch into living space. Variances of 2.5 feet side yard width and 7.2% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1924, contains 7,018 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. Exhibits ("Exhs.") 2, 4, 6 and 7. The existing dwelling was built in 1931. Exh. 6.

2. Petitioners would like to convert an existing 4.11' x 7.8' enclosed porch into living space, but variances are needed to obtain a building permit. Since an enclosed porch on the left side of the dwelling is located 4.5 feet from the side lot line and the allowed amount of net lot coverage (30%) is exceeded by existing development on the property, variances of 2.5 feet side yard width and 7.2% net lot coverage were requested to validate those existing conditions. Exhs. 9 and 10.

3. Petitioner Paul Staats testified that he wants to convert the existing porch into insulated living space at the right rear corner of the house. Exhs. 5(A) thru (D). He explained that the porch is unsightly and steps leading into the porch are dangerous for their young children. He stated that the replacement structure will have the same siding and roof as the existing house.

4. Mr. Staats further testified that none of the conditions that require validation will be affected by the proposed construction. He explained that all the conditions existed at the time they purchased the property about 7 years ago and the driveway area that is shared with their neighbor contributes to the lot coverage issue.

5. Dan Morrissey, the next-door neighbor with whom Petitioners share the driveway area, testified that he has owned the adjoining property for the last 25 years, and supports Petitioners' variance request.

6. The Town of University Park also supported the request. Exh. 14.

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 1924, the existing house being built in 1931, the conditions on the property having existed for many years, an existing driveway that is shared with the adjoining property comprising a large amount of the net lot coverage, the existing porch not appearing consistent with the rest of the house and being unsafe, none of the conditions requiring validation being changed by the proposed construction, 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 2.5 feet side yard width and 7.2% net lot coverage in order to validate existing conditions and convert an existing 4.11' x 7.8' enclosed porch into living space on the property located at Lot 17, Block 2, University Park Subdivision, being 4407 Tuckerman Street, University Park, 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.