

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-73-16 Luisa Cassanello

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: July 27, 2016.

CERTIFICATE OF SERVICE

This is to certify that on August 10, 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 Mount Rainier

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

Petitioner: Luisa Cassanello

Appeal No.: V-73-16

Subject Property: Lot 6, Block 11, Resubdivision of Robert E. Funkhouser's 32nd Street Addition
Subdivision, being 3613 Eastern Avenue, Mount Rainier, Prince George's County, Maryland

Municipality: City of Mount Rainier

Witness: Emily Hirst, Designer/Architect

Heard and Decided: July 27, 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(d)(Table III), which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line; Section 27-442(e)(Table IV), 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 construct a second-story addition. Variances of 1,628 square feet net lot area, 10 feet front building line width, 10.5 feet front yard depth and 11% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1927, contains 3,372 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1922. Exh. 7.

2. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 8.

3. The dwelling faces Eastern Avenue, which is a boundary line of the District of Columbia, and backs up to an alley. Driveway access to the property is off of the alley. Exh. 2.

4. Petitioner would like to construct a 22' x 25.3' second-story addition (Exh. 2), but variances are required to obtain a building permit. Since the covered front porch on the dwelling is located 15 feet from the front street line and the maximum allowed amount of net lot coverage (30%) is exceeded by existing development on the property, variances of 10.5 feet front yard depth and 11% net lot coverage were requested. Exhs. 11 and 12.

5. In addition, the size and width of the property do not meet current minimum requirements as prescribed in the Zoning Ordinance and variances are needed to validate those conditions. Variances of 1,628 square feet net lot area and 10 feet front building line width were requested. Exh. 12.

6. Emily Hirst testified that only a small portion of the second floor of the dwelling is "legal habitable space" (i.e., 7-foot ceiling height). She explained that Petitioner's objective is to add additional

bedrooms on the second floor and to accomplish that a second-story addition is necessary to raise the ridge of the roof so that the entire second level becomes legal habitable space. She further explained that the dwelling now has a gabled roof that extends over the front porch and there is a small dormer where the ceiling is too low to be habitable. *See Exhs. 5(A) and (B), 9(B) thru (E).*

7. Ms. Hirst further testified that there is a mixture of house styles on Eastern Avenue, including a number of the structures that are one and a half or two-story dwellings. *See Exhs. 19(A) and (B).* She stated that a nearby house has added a second floor in the manner proposed by Petitioner, where the front of the house looks the same except for a roof with a steeper pitch and the roof is raised in the rear to gain additional square footage on the second floor. Exh. 20. She stated that the house (including the proposed addition) will have an exterior of hardy plank siding.

8. The City of Mount Rainier supported the request. 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 property being subdivided in 1927, the house being built in 1922, only a small portion of the second floor of the dwelling being accessible as livable space, the need for additional living space, existing conditions needing validation to obtain a building permit to build a second story addition, 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 1,628 square feet net lot area, 10 feet front building line width, 10.5 feet front yard depth and 11% net lot coverage in order to validate existing conditions and construct a 22' x 25.3' second-story addition on the property located at Lot 6, Block 11, Resubdivision of Robert E. Funkhouser's 32nd Street Addition Subdivision, being 3613 Eastern Avenue, Mount Rainier, Prince George's County, Maryland, be and are 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.