

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-62-16 Leroy and Adrienne Howard

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: September 28, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on October 19, 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
City of District Heights

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

Petitioners: Leroy and Adrienne Howard

Appeal No.: V-62-16

Subject Property: Lots 23 & 24, Block 22, District Heights Subdivision, being 6606 Foster Street, District Heights, Prince George's County, Maryland

Municipality: City of District Heights

Witness: Oris Johnson, CD Construction

Heard: July 13, 2016; Decided: September 28, 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 front yard at least 25 feet in depth and 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 construct a one-story addition. Variances of 3 feet front yard depth, 2 feet side yard width and 7.1% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1925, contains 7,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1943. Exh. 7.

2. The property is long and narrow, being 140 feet deep and only 50 feet wide. Exh. 2.

3. Petitioners would like to construct a 26' 4-3/8" x 7' 5/8" one-story addition on the side of the existing dwelling (Exh. 2), but variances are required in order to obtain a building permit. Since the addition would be located 5 feet from the side lot line, a variance of 2 feet side yard width was requested. Exh. 12. Since the allowed amount of net lot coverage (30%) is exceeded by existing development on the property and construction of the addition would cause further overage, a variance of 7.1% net lot coverage was also requested. Exhs. 11 and 12.

4. A variance is also required to validate the existing covered front porch. Since the porch is located 22 feet from the front street line, a variance of 3 feet front yard depth was requested. Exh. 12.

5. Petitioner Adrienne Howard testified that the house is extremely small and more living space is needed. She stated that the house cannot be extended to the rear because of the shape of the existing living room.

6. Petitioners' contractor, Oris Johnson, testified that the existing bump-out and steps on the right side of the house will be replaced with the proposed addition, which will be the same width as the bump-out but extend back to the rear line of the house. *See* Exh. 2.

7. The City of District Heights agreed to defer to the Board's decision on the request. Exh. 19.

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 narrowness of the property, the house being built in 1943, the small size of the existing house, the need for additional living space, the proposed addition replacing an existing bump-out, the proposed addition extending no closer to the property line than the existing bump-out, extension of the house to rear being problematic cause of the shape of the existing living room, 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 3 feet front yard depth, 2 feet side yard width and 7.1% net lot coverage in order to validate existing conditions and construct a 26' 4-3/8" x 7' 5/8" one-story addition on the property located at Lots 23 & 24, Block 22, District Heights Subdivision, being 6606 Foster Street, District 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 plans, Exhibits 3(a) thru (c).

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.