

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-83-16 Sherrika, Oswald and Laurrita Spriggs

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 7, 2016.

CERTIFICATE OF SERVICE

This is to certify that on October 4, 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

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

Petitioners: Sherrika, Oswald and Laurrita Spriggs

Appeal No.: V-83-16

Subject Property: Lots 14 thru 17, Block 39, Greater Capitol Heights Subdivision, being 910 Capitol Heights Boulevard, Capitol Heights, Prince George's County, Maryland

Heard and Decided: September 7, 2016

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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 two side yards totaling 17 feet in width with the minimum width of either side yard being 8 feet; 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; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from the rear lot line. Petitioners propose to validate existing conditions and construct two one-story additions and a covered deck. Variances of .08 foot left side yard width and 1.3 feet right side yard width for the dwelling, 9.5% net lot coverage, and .62 foot rear lot line setback for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1909, contains 7,707 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, attached carport, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1993. Exh. 7.
2. Petitioners would like to construct two 16' x 16' one-story additions on the rear of the dwelling and a 12' x 16' covered deck between the additions, but variances are needed to obtain a building permit. Since the allowed amount of net lot coverage (30%) is already exceeded by existing development on the property, and construction of the proposed structures will cause further overage, a variance of 9.5% net lot coverage was requested. Exhs. 11 and 12.
3. Variances are also needed to validate the location of other structures on the property. Since the existing dwelling is located 7.7 feet from the right side lot line and the attached carport is located 7.92 feet from the left side lot line, variances of .08 foot left side yard width and 1.3 feet right side yard width were requested. Exh. 12. Since the existing shed is located 1.38 feet from the rear lot line, a variance of .62 foot rear lot line setback for an accessory building was also requested. Exh. 12.
4. Petitioner Oswald Spriggs testified that the total footprint of the proposed one-story additions and deck would be 16' x 44' and replace a 12' x 28' deck that now exists on the back of the house. Exhs. 2 and 5. He explained that one addition would allow extension of the master bedroom, the other addition would add a family room off the kitchen, and the deck between the two additions would be covered.

5. Mr. Spriggs stated that the floor of the additions would be insulated and there will be gravel put on the ground under the structure to assist with runoff water. *See* Exh. 3.

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 certain existing conditions on the property requiring validation in order to obtain a building permit, the proposed additions and deck replacing an existing deck, the need for additional living space, 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, by majority vote, Vice Chairman Scott absent, that variances of .08 foot left side yard width and 1.3 feet right side yard width for the dwelling, 9.5% net lot coverage, and .62 foot rear lot line setback for an accessory building in order to validate existing conditions and construct two 16' x 16' one-story additions and a 12' x 16' covered deck on the property located at Lots 14 thru 17, Block 39, Greater Capitol Heights Subdivision, being 910 Capitol Heights Boulevard, 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.