

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-115-16 Audrey Prophet-Pray

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: October 5, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on October 31, 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
DPIE/Inspections Division

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

Petitioners: Audrey Prophet-Pray

Appeal No.: V-115-16

Subject Property: Lot 6, Block B, Wrathall's Addition to Woodlane Subdivision, being 4604 Keppler Place,
Temple Hills, Prince George's County, Maryland

Witness: James Reid, Civtech Designs Inc.

Heard and Decided: October 5, 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 a variance 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 a variance from Section 27-442(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to reconstruct a screened porch. A variance of 5% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1960, contains 10,342 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 3, 5, 9 and 10. The existing dwelling was built in 1961. Exh. 9.
2. The property has an angled rear property line and is unique in its shape relative to the other lots in the same block. Exh. 5.
3. Petitioner would like to reconstruct a 12' x 20' screened porch on the rear of the dwelling (Exh. 3), but a variance is needed to obtain a building permit. Since the allowed amount of net lot coverage (25%) has been exceeded by existing development on the property, a variance of 5% net lot coverage was requested. Exh. 14.
4. The Department of Permitting, Inspections and Enforcement, Inspections Division received a complaint about tree damage to Petitioner's porch on June 6, 2016 (#27536-2016). Exh. 8.
5. Petitioner testified that the screened porch was damaged in March 2016 when a neighbor's tree fell on it. Exh. 2 (Figures 2 & 3). She stated that the insurance company would not pay her claim until a permit was obtained to rebuild the porch. *See also* Exh. 7.
6. James Reid, Petitioner's engineer, testified that the porch existed when Petitioner purchased the property in 2003 and surmised that the existing porch must have been built without a permit because a permit for the proposed repair cannot be obtained with a variance.

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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the screened porch existing at the time of purchase, the porch being damaged by a fallen tree, a building permit being necessary to rebuild the porch, a building permit being required apparently by the insurance company, validation of an overage of lot coverage being needed to obtain the permit, the porch being rebuilt the same size as the existing porch and causing no increase in lot coverage, 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, by majority vote, Vice Chairman Scott absent, that a variance of 5% net lot coverage in order to reconstruct a 12' x 20' screened porch on the property located at Lot 6, Block B, Wrathall's Addition to Woodlane Subdivision, being 4604 Keppler Place, Temple Hills, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3, and the approved elevation plan, Exhibit 4.

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.