

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-80-16 Kathryn James and Jacqueline Pfeffer

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 26, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on November 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 Riverdale Park

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

Petitioners: Kathryn James and Jacqueline Pfeffer

Appeal No.: V-80-16

Subject Property: Lot 78, Block 1, Riverdale Park Subdivision, being 4508 Tuckerman Street, Riverdale,
Prince George's County, Maryland

Municipality: Town of Riverdale Park

Witness: Adam Sharretts, Arocon LLC

Heard: September 14, 2016; Decided: October 26, 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 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate existing conditions and construct a second-floor addition, one-story addition (with balcony) and deck. A variance of 7.7% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1925, contains 7,500 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, 7 and 8. The existing dwelling was built in 1924. Exh. 7.
2. The property is a long and narrow lot, being 150 feet deep and 50 feet wide. Exh. 2.
3. The existing 12-foot-wide driveway extends to the rear yard more than 90 feet. Exh. 2.
4. Petitioners would like to construct a 26' x 33'10" second-floor addition, 5' x 17' one-story addition (with balcony) and 10' x 17' deck, but a variance is needed to obtain a building permit. Since the allowed amount of net lot coverage (30%) is already exceeded by existing development and construction of the one-story addition would cause further overage, a variance of 7.7% net lot coverage was requested. Exhs. 11 and 12.
5. Adam Sharretts, Petitioners' contractor, testified that the back wall of the house was rotten and collapsed and then the ridge beam dropped about 7-10 inches. He stated that Petitioners desire to expand the second floor as part of the plan to remedy the situation and this would not add to the footprint of the house. He stated that the one-story addition proposed for the back of the house would allow for enlargement of the existing kitchen which is very small.

6. Mr. Sharretts explained that the basement is not livable and the additional second floor living space is needed for Petitioners' expected expanding family.

7. He further explained that a full foundation would not be put in for the rear addition; there will be a post beam system that will allow retention of more permeable area on the property. He stated that rain barrels on the property will be replaced and there is a large drainage ditch behind the house.

8. Petitioner Jacqueline Pfeffer testified that there was currently only attic space on the second level of the house. *See* Exhs. 5(A) and (B). She stated that the house had not been insulated correctly and mold constituted a health hazard. She explained that there is now only one bedroom on the first level and to have bedrooms upstairs would make it nicer. She stated that the house will have siding similar to almost all the other houses on the street (Tuckerman Street).

9. Ms. Pfeffer stated that the finished house will be no taller than other two-story houses on Tuckerman Street, of which there are several. She further stated that there is a military recruiting facility and postal sorting facility behind the subject property. *See* Exh. 9(A).

10. The Town of Riverdale Park supported the request. Exh. 22.

11. The Historic Preservation Section of M-NCPPC commented that the subject property is located within the Riverdale Park National Register Historic District (68-004-00), is located within 0.5 mile of Bloomfield House (Historic Site 66-029-05), Paxton House (Historic Site 68-076), Wernek House (Historic Site 68-004-76), Calvert Family Cemetery (Historic Site 68-004-03), ERCO Site (Historic Site 68-022), Harry Smith House (Historic Site 68-004-01), Wilson-Gleis House (Historic Site 68-004-97), Warren House (Historic Site 68-004-92) and Read House (Historic Site 68-004-02), and the variance request will have no effect on Historic Sites, Historic Resources or Historic Districts. Exh. 17

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 narrowness of the property, the existing house being built many years ago, existing conditions on the property, a large portion of the net lot coverage consisting of existing driveway area, the poor overall condition of the house, mold in the house being a health hazard, the back wall of the house having collapsed, the need for additional living space, the house already needing major work done, 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 abstaining, that a variance of 7.7% net lot coverage in order to validate existing conditions and construct a 26' x 33'10" second-floor

addition, 5' x 17' one-story addition (with balcony) and 10' x 17' deck on the property located at Lot 78, Block 1, Riverdale Park Subdivision, being 4508 Tuckerman Street, Riverdale, 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 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.