

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-1-17 Nguy Tchaha and Valentin Kapmouo

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: February 22, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on March 8, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
Acting 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: Nguy Tchaha and Valentin Kapmouo

Appeal No.: V-1-17

Subject Property: Lot 17, Block B, Beaver Heights Subdivision, being 4313 North Addison Road, Capitol Heights, Prince George's County, Maryland

Heard: February 8, 2017; Decided: February 22, 2017

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 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioners propose to validate an existing condition and construct a second-floor addition and two-story addition. A variance of 4 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 1925, contains 9,600 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is narrow in shape and the dwelling is positioned at a slight angle. Exhibits (Exhs.) 2, 4, 5 (A) thru (G), 7 and 9 (A) thru (F).

2. Petitioners original request stated that he would like to construct a 12.8' x 14.5' second-floor addition and a 30' x 37' L-shaped two-story addition on the rear of the dwelling. As the additions will follow the footprint of the existing dwelling, which is located 1 foot from the side lot line, a variance of 4 feet side yard width was requested. Exhs. 2, 3 and 11.

3. Petitioner submitted a revised site plan demonstrating a reduction in size (30' x 34') of the L-shaped two-story addition which would be in line with the existing dwelling, therefore the variance request has been revised to 3 feet side yard depth. Exh. 17.

4. Petitioner Nguy Tchaha testified that an existing addition is in disrepair and he proposes to replace it with the proposed second-floor addition and a two story addition. Exhs. 2, 3, 5 (A) thru (G), 7 and 9 (A) thru (F).

5. Petitioner further testified that most of the houses on North Addison Road are one and half stories. Exhs. 9 (A) thru (F).

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 owners 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 lot, the position of the dwelling on the lot, the disrepair of the existing 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 3 feet side yard width in order to validate an existing condition and construct a 12.8' x 14.5' second-floor addition and a 30' x 34' L-shaped two-story addition on the property located at Lot 17, Block B, Beaver Heights Subdivision, being 4313 North Addison Road, Capitol Heights, 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 17 and 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.