

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-12-17 Emma Garrett

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: March 8, 2017.

CERTIFICATE OF SERVICE

This is to certify that on March 15, 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: Petitioner
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

Petitioner: Emma Garrett

Appeal No.: V-12-17

Subject Property: Lot 38, Block E, Kent Village Subdivision, being 6933 Kent Town Drive, Hyattsville, Prince George's County, Maryland

Counsel for Petitioner: Kayanne Chambers, Esq., Myers, Rodbell & Rosenbaum
Michelle LaRocca, Esq., Myers, Rodbell & Rosenbaum

Witness: Stephanie Prostel, Housing Initiative Partnership

Heard and Decided: March 8, 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 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, Petitioner requests 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 Section 27-442(c)(Table II), which prescribes that not more than 40% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions and replace an existing covered front porch on a triple-attached dwelling. Variances of 6.7 feet front yard depth and 5% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1959, contains 2,100 square feet, is zoned R-20 (One-Family Triple-Attached Residential) and is improved with a triple-attached single-family dwelling and deck with hot tub. Exhibits (Exhs.) 2, 4, 5, 6 and 8 (A) thru (F).

2. Petitioner would like to construct a roof to replace an awning on the 7.7' x 18.4' covered front porch. The porch is located 18.3 feet from the front street line. A variance of 6.7 feet front yard depth was requested. Exhs. 2, 3, 5, 8 (A) thru (F) and 11.

3. As the existing development on the property exceeds the amount of lot coverage allowed, a variance of 5% net lot coverage was requested. Exhs. 2, 10 and 11.

4. Emma Garrett testified that she has lived on the property for 38 years ago and the awning, which is very old, needs replacement. Exhs. 5, 6 and 11.

5. Attorney Chambers explained that the home currently has a traditional metal awning over the stoop and will be replaced with a modernized, stable and durable porch. She stated that the size of the porch (with the proposed roof) will remain the same size. Exhs. 2, 3 and 5.

6. Stephanie Prostel testified that the metal awning is in need of replacement. She stated that the new roof replacement will be higher than the existing metal awning allowing a more visible view of the front entrance of the home. Exhs. 3 and 5.

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 existing metal awning needing replacement, Housing Initiative Partnership assisting property owners improve the appearance of older homes, promoting community security and interaction, 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, unanimously, that variances of 6.7 feet front yard depth and 5% net lot coverage in order to validate existing conditions and replace an existing 7.7' x 18.4' covered front porch on a triple-attached dwelling on the property located at Lot 38, Block E, Kent Village Subdivision, being 6933 Kent Town Drive, Hyattsville, 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 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.