

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-15-17 Roger Velasquez

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: April 12, 2017.

CERTIFICATE OF SERVICE

This is to certify that on April 19, 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: Roger Velasquez

Appeal No.: V-15-17

Subject Property: Lots 1 thru 5, Block 28, Bradbury Heights Subdivision, being 1813 Dewitt Avenue,
Capitol Heights, Prince George's County, Maryland

Heard: March 22, 2017; Decided: April 12, 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 corner lot shall have a front yard at least 25 feet in depth and a side yard along the side street at least 25 feet in depth. Petitioner proposes to validate an existing condition and construct a 1½ story addition, on crawl space with an attic, and a driveway. Variances of 16.2 feet front yard depth and 16 feet side street yard depth are requested.

Evidence Presented

1. The property was subdivided in 1909, contains 10,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. The property is a corner lot with the dwelling facing the legal side street (Byers Street). The home was built in 1919. Exhibits (Exhs.) 3 (a) thru (b), 6, 8 (A) thru (F) and 17.

2. Petitioner would like to construct an 18' x 30.3' 1½ story addition, on crawl space with an attic, and a 10' x 40' driveway. Because the proposed addition would be located 8.8 feet from the front street line (Byers Street) a variance of 16.2 feet front yard depth was requested. Exhs. 3 (a) thru (b), 5 (A) thru (D) and 17.

3. The enclosed porch on the existing dwelling is located 9 feet from the side street line (Dewitt Avenue). As such, a variance of 16 feet side street yard depth was requested. Exhs. 3 (a) thru (b), 5 (A) thru (D) and 17.

4. Petitioner testified that he purchased the subject property through an online estate sale sight unseen with the intention to add a 1½ story addition. Once he viewed the site, he realized the land was sloped and the existing structure did not meet current setbacks. He believed that because of the grade of the land in the rear, he could not construct the addition in that area. He concluded that the most suitable land location for the addition was on the side of the house, which would not meet building setbacks requirements. Exhs. 3 (a) thru (b), 5 (A) thru (D) and 17.

5. He further stated that many of the houses in the neighborhood have additions. Exhs. 8 (A) thru (F).

6. Petitioner revised the dimensions of the new addition, reducing the width from 18 feet to 14 feet, which decreased the side yard setback variance to 12.5 feet. 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 dwelling being built in 1919, the slope of the area in the (legal) rear of the property, the most suitable area to build the addition being on the (legal) left side of the property, 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, Mr. Scott abstaining, that variances of 16.2 feet front yard depth and 12.5 feet side street yard depth in order to validate an existing condition and construct an 14' x 30.3' 1½ story addition, on crawl space with an attic, and a 10' x 40' driveway on the property located at Lots 1 thru 5, Block 28, Bradbury Heights Subdivision, being 1813 Dewitt Avenue, 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 revised site plan, Exhibit 17 and approved elevation plans, Exhibits 3 (a) thru (b).

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.