

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-69-17 Eastern Construction Remodel LLC

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: July 12, 2017.

CERTIFICATE OF SERVICE

This is to certify that on August 2, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPCC, Permit Review Section
DPIE/Building Code Official, Permitting
Other Interested Parties

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

Petitioner: Eastern Construction Remodel, LLC

Appeal No.: V-69-17

Subject Property: Lot 14, Block A, Crestwood Subdivision, being 5719 Crestwood Place, Riverdale, Prince George's County, Maryland

Counsel for Petitioner: Traci R. Scudder, Esq.

Witnesses: Yoke Tong, Owner, Easter Construction Remodel, LLC

Andre Williamson, Engineer

Michael Chambers, Contractor

Heard and Decided: July 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 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, Petitioner requests that the Board approve variances from Section 27-442(d)(Table III) of the Zoning Ordinance, which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Petitioner proposes to validate a new two-story single-family dwelling, with basement, and driveway on a lot having a width of 50 feet along the front building line. A variance of 15 feet front building line width is requested.

Evidence Presented

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

1. The property was subdivided in 1939, contains 7,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Although the property is located within Aviation Policy Area 6, it does not encroach upon those requirements. Exhibits (Exhs.) 2, 4, 5 (A) thru (J), 8 and 9.

2. Petitioner would like to complete construction and obtain a use and occupancy permit for a 28.2' x 25.25' two story dwelling, with basement, and 13.5' x 35' driveway. The property is only 50 feet wide and, due to changes in the regulations since the property was created, does not meet the current minimum requirement for lot width at the front building line. A variance of 15 feet front building line width was therefore requested. Exhs. 2, 3 (a) thru (d), 4 and 13.

3. The property is part of an older development neighborhood, with lots similar in size and width. Exh. 4

4. The Board approved a variance for front building lot width in 2006 (Appeal No. V-73-06) for construction of a new single-family dwelling and driveway for the subject property. Construction of the dwelling commenced but was not completed before the variance expired on May 24, 2017. Exh. 6.

5. Ms. Yoke Tong testified that she purchased the property in 2013 and the current incomplete condition of the house was as it appeared at purchase. Exhs. 5 (A) thru (J) and 8.

6. Mr. Michael Chambers testified that the house has sat "as is" for ten years.

7. Mr. Michael Chambers further testified that the electrical and plumbing is complete, but must be redone, and the interior has not yet been completed. Mr. Chambers stated that the steps will be repaired and the exterior will remain the same. Exhs. 5 (A) thru (J).

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

Due to existing dimensions of the property, the rectangular shape of the lot, the partial construction of the existing dwelling, the front building lot requirements having changed since the property was subdivided in 1939 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 a variance of 15 feet from the minimum lot width requirement along the front building line in order to validate a new 28.2' x 25.25' two-story single-family dwelling, with basement, and 13.5' x 35' driveway on the property located at Lot 14, Block A, Crestwood Subdivision, being 5719 Crestwood Place, Riverdale, Prince George's County, Maryland, be and is hereby APPROVED¹. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (d).

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

¹ The July 12, 2017 Agenda for V-69-17 *incorrectly* (typo) reflected a variance of 12-feet front line building width. Members voted to approve the 12-foot variance. On July 18, 2017, a telephone vote was passed by Board Member (3/0), (3/0) respectively, to vacate the original decision and approved the correct 15-feet front building line width as originally advertised.

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.