

NOTICE OF FINAL DECISION

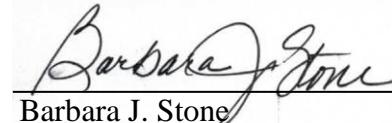
OF BOARD OF APPEALS

RE: Case No. V-157-17 Patricia Steiner

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: December 13, 2017.

CERTIFICATE OF SERVICE

This is to certify that on January 3, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Cool Spring Terrace Civic Association

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

Petitioner: Patricia Steiner

Appeal No.: V-157-17

Subject Property: Lot 15, Cool Spring Subdivision, being 8301 Cool Spring Lane, Adelphi,
Prince George's County, Maryland

Heard and Decided: December 13, 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 side yard at least 8 feet in width and a rear yard at least 20 feet in depth/width. Petitioner proposes to refurbish an existing covered side porch, with front and side steps, construct a one-story addition, enclose an existing screen porch into living space and construct side and rear decks. Variances of 5.5 feet side yard width and 8.5 feet rear yard depth are requested.

Evidence Presented

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

1. The property was subdivided in 1951, contains 7,110 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, 8 and 10 (A) thru (F).
2. The property is a pie-shaped lot located on a cul-de-sac. Exhs. 2 and 4.
3. Petitioner would like to refurbish the existing 8.1' x 12' covered porch with front and side stairs on the right side of the dwelling, construct an 8.1' x 16.1' one-story addition behind the covered side porch, construct a 7' x 7' deck with stairs on the left side of the dwelling, convert the existing 11.8' x 42.4' enclosed porch on the rear of the dwelling into living space and construct an 8' x 19' deck on the rear of the dwelling. The stairs off the front of the covered side porch will be located 2.5 feet from the side lot line and the deck on the rear will be located 11.5 feet from the rear lot line. Variances of 5.5 feet side yard width and 8.5 feet rear yard depth are requested. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (F).
4. The Board approved side yard, rear yard, lot coverage and accessory building variances in 2010 (Appeal No. V-89-10) to validate existing conditions and construct a detached garage and driveway. Exh. 6.
5. Petitioner testified that she would like to enclose the large screened in porch on the rear upper level of her property and incorporate that area into living area. She stated that the rear screened in porch is currently finished on the basement level. She would like to enclose the upper portion adding a new roof as currently it is in disrepair and leaks water. She further stated that the open porch on the side of the dwelling

is in disrepair and requires rebuilding, she would like to enclose a portion of that side porch area to construct a ½ bath. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (F).

6. She further testified that there is no front door to the dwelling; the door is located on the side of the house. Petitioner stated that she would like to be able to egress from the upper level of the house for safety purposes and both decks would have egress out of the dwelling. She explained the construction which will not expand beyond the existing footprint except for the open deck to the driveway. Exhs. 2, 3 (a) thru (b).

7. She further explained that because the shape of the lot is a pie shape, the front of her house was already built too close to the property line. Exhs. 2 and 4.

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 property being located on a cul-da-sac, the property being pie shaped, the need for upper level egress in the dwelling, the need for roof repair from water leaks, the open porch also in need of repair, Appeal V-89-10 approved certain conditions (location of the dwelling) 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 5.5 feet side yard width and 8.5 feet rear yard depth in order to refurbish the existing 8.1' x 12 covered porch with front and side stairs on the right side of the dwelling, construct an 8.1' x 16.1' one-story addition behind the covered side porch, construct a 7' x 7' deck with stairs on the left side of the dwelling, convert the existing 11.8' x 42.4 enclosed porch on the rear of the dwelling into living space and construct an 8' x 19' deck on the rear of the dwelling on the property located at Lot 15, Cool Spring Subdivision, being 8301 Cool Spring Lane, Adelphi, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 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.