

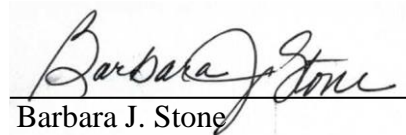
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-158-17 Bernadette Rappold

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 11, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on April 23, 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
City of Mount Rainier

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

Petitioner: Bernadette Rappold

Appeal No.: V-158-17

Subject Property: Lot 7, Block 9, Rogers' Second Addition to Mount Rainier, being 3803 31st Street, Mount Rainier, Prince George's County, Maryland

Municipality: City of Mount Rainier

Witness: Kristin Redmon, Resident of subject property

Heard: December 13, 2017; Decided: April 11, 2018

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 a variance 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 a side yard at least 5 feet in width. Petitioner proposes to validate existing conditions and construct a second-floor addition. Variances of 2 feet front yard depth and 1 foot side yard width are requested.

Evidence Presented

1. The property was subdivided in 1907, contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is located within the Gateway Arts District Development Overlay Zone. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. The lot is long and narrow, with the width being only 40 feet. Exhs. 2 and 4.

3. Petitioner would like to construct a 26.2' x 28.4' second-floor addition to the existing dwelling. The covered front porch is located 23 feet from the front street line and the dwelling is located 4 feet from the left side lot line. As the addition is over the existing dwelling, the addition also requires a side yard width variance. Variances of 2 feet front yard depth and 1 foot side yard width were requested. Exhs. 2, 5, 12 and 24 (a) thru (b).

4. The City of Mount Rainier supported the variance (with revised elevation plans). Exhs. 23 and 24 (a) thru (b).

5. Petitioner Bernadette Rappold testified she has lived in the house for 10 years; the house is only 998 square feet and additional living area is now necessary for her two children. She stated that the proposed second story will not exceed the original footprint of the existing house. Exhs. 2 and 24 (a) thru (b).

6. She further testified that every adjoining property, except for one, has a two-story dwelling. She stated that the modest design of the proposed addition will be consistent with the aesthetics of the neighborhood. Exhs. 2, 10 (A) thru (F) and 24 (a) thru (b).

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 need for additional living area, the shape of the lot being long and narrow 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 2 feet front yard depth and 1 foot side yard width to validate existing conditions and construct a 26.2' x 28.4' second-floor addition on the property located at Lot 7, Block 9, Rogers' Second Addition to Mount Rainier, being 3803 31st Street, Mount Rainier, 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 revised elevation plans, Exhibits 24 (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.