

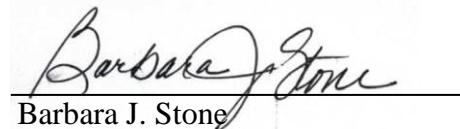
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-210-17 Abyssina Baptist Church

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 14, 2018.

CERTIFICATE OF SERVICE

This is to certify that on March 27, 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

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

Petitioner: Abyssinia Baptist Church

Appeal No.: V-210-17

Subject Property: Lot 5, Block M, Beaver Heights Subdivision, being 4709 Addison Road, Capitol Heights, Prince George's County, Maryland

Counsel for Petitioner: Perry Foreman, Esq., Law Offices of Perry Foreman

Witness: Cornelius Dudley, Church Member

Heard and Decided: March 14, 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 variances from Section 27-442(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet and Section 27-442(e)(Table IV), which prescribes that each lot shall have a side yard at least 5 feet in width. Petitioner proposes to validate existing conditions and construct a one-story addition. Variances of 480 square feet net lot area and 1 foot side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1926, contains 4,520 square feet, is zoned R-T (Single-Family Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioner would like to construct a 12.5' x 13' one-story addition on the rear of the dwelling, replacing the existing screened porch. Although the screened porch, and therefore the addition, is approximately 6 feet from the side lot line, the pre-existing dwelling itself is only 4 feet. A variance of 1 foot side yard width to validate the existing dwelling was requested. Exhs. 2, 3, 5 (A) thru (C), and 17.

3. The size of the lot does not meet the current minimum lot size requirement. A variance of 480 square feet net lot area was requested. Exhs. 2, 3, 5 (A) thru (C), and 17.

4. Counsel Perry Foreman stated that the church owns a residential property at 4709 Addison Road, Capitol Heights and would like to add a one-story room (a bedroom and a bathroom) where the screened back porch now exists on the same footprint.¹ Exhs. 2, 3, 5 (A) thru (C), and 17.

¹ Counsel noted that the original site plan has been revised to indicate that the screened porch will be enclosed to increase the square footage of the interior of the house. Compare Exhs. 2 and 17.

5. Mr. Dudley explained that a year and a half ago a fire substantially damaged the dwelling and repair is warranted so that the church may rent it to church members in need. Exhs. 2, 3, 5 (A) thru (C), and 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 a fire in the dwelling occurring a year and a half ago, the need to repair substantial damage, the need for additional living space 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 480 square feet net lot area and 1 foot side yard width to validate existing conditions and construct a 12.5' x 13' one-story addition on the property located at Lot 5, Block M, Beaver Heights Subdivision, being 4709 Addison Road, 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 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.