

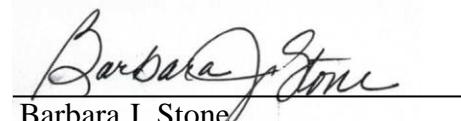
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-214-17 J.C. Remodeling and Builders, 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: March 28, 2018.

CERTIFICATE OF SERVICE

This is to certify that on April 5, 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 Seat Pleasant

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

Petitioner: J.C. Remodeling and Builders, LLC

Appeal No.: V-214-17

Subject Property: Part of Lot 27, Re-subdivision of Mount Wiessner Subdivision, being 503 62nd Avenue, Fairmount Heights, Prince George's County, Maryland

Municipality: City of Seat Pleasant

Counsel for Petitioner: Bradley Farrar, Shipley and Horn, P.A.

Witnesses: Jose Vedia, Property Owner

Matthew Guise, Architect

Waverly Evans, Neighbor

Heard: March 14, 2018; Decided: March 28, 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 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 a 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 an existing condition and construct a two-story dwelling, driveway and 6-foot wooden fence around the back yard 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 contains 7,500 square feet, is zoned R-55 (One-Family Detached Residential) and is planned to be improved with a single-family dwelling, driveway and 6-foot wooden fence. Exhibits (Exhs. 2, 4, 7, 8 and 9 (A) thru (B)).

2. The property was originally subdivided in 1922, but a subdivision plat done in 1944 altered the subject property to be what it is today. Exh. 4.

3. Petitioner would like to construct a 23' x 27'6" two-story dwelling, 10' x 58' driveway and 6-foot wooden fence around the back yard, replacing the chain link fence on the property being removed. As the width of the lot at the front building line is 50 feet, a variance of 15 feet front building line width was requested. Exhs. 2, 3, and 5 (A) thru (D).

4. Attorney Bradley Farrar stated that his client has requested a variance of 15 feet from the front building line. He explained the lot, which is currently vacant, contains 7,500 sq. ft., but does not have the required 65-foot frontage for the R-55 Zone for development. The existing frontage is 50 feet wide. He

noted that his client is requesting permission to construct a small single-family dwelling encompassing significantly less lot coverage than is allowed in the R-55 Zone. Exhs. 2, 3 and 5 (A) thru (D).

5. The City of Seat Pleasant supported the request for the variance. Exhs. 16 and 19.

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 the original subdivision being recorded in 1922 and a re-subdivision of the subject lot in 1944 (prior to zoning), a lot that does not meet the current minimum width requirement of 65 feet measured along the front building line, effectively creating an unbuildable lot (without the variance) 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 an existing condition and construct a 23' x 27'6" two-story dwelling, 10' x 58' driveway and 6-foot wooden fence around the back yard on a lot having a width of 50 feet along the front building line on the property located at Part of Lot 27, Re-subdivision of Mount Wiessner Subdivision, being 503 62nd Avenue, Fairmount Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 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.