

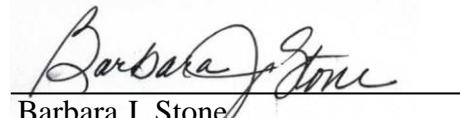
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-218-17 Paul London

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 25, 2018.

CERTIFICATE OF SERVICE

This is to certify that on May 16, 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: Paul London

Appeal No.: V-218-17

Subject Property: Lot 19, Block 7, Rhode Island Avenue Addition to Mount Rainier Subdivision, being
3702 36th Street, Mount Rainier, Prince George's County, Maryland

Municipality: City of Mount Rainier

Heard: March 28, 2018; Decided: April 25, 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(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 8 feet in width. Petitioner proposes to validate existing conditions, obtain a building permit for a new second-floor addition and construct a deck. Variances of 15 feet front yard depth and 6.5 feet side yard width are requested.

Evidence Presented

1. The property was subdivided in 1905, contains 8,554 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, shed¹ and driveway. The property, a corner lot with the dwelling facing the legal front street, is located within the Gateway Arts District Development Overlay Zone. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. The subject property is an odd shaped lot, wider at the front, with the existing dwelling (including porch and walkway) located at the front right corner of the property. Exh. 2.

3. Petitioner Paul London would like to attach a 10' x 16' deck to the two-story addition behind the dwelling. The existing dwelling (including the addition) is located only 1.5 feet from the side lot line and the existing covered front porch is located 10 feet from the front street line. Variances of 6.5. feet front yard depth and 15 feet side yard width were requested, respectively. Exhs. 2, 3 (a) thru (b) and 11.

4. Petitioner testified that the second-floor addition has been completed.² There is an addition on the back of the dwelling which is a kitchen and a room above the kitchen. Petitioner requests validation of the existing location of the house to facilitate the proposed construction. Exhs. 2, 3 (a) thru (b), 5 (A) thru (F).

¹ The shed is to be removed. Exh. 2.

² Petitioner stated that he initially received erroneous *building* permit(s) from the City of Mt. Rainier and the County. Permit 9914-17 was approved and issued for the two-story addition. A revision to 9914-17-01 included the proposed deck on the rear of the house and request to obtain the required variances missed on the original permit. Exh. 6.

5. The City of Mount Rainier supported the variances. Exh. 20

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 pre-existing location of the dwelling not being in conformance with current setback requirements 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 15 feet front yard depth and 6.5 feet side yard width to validate existing conditions and construct a 10' x 16' deck on the property located at Lot 19, Block 7, Rhode Island Avenue Addition to Mount Rainier Subdivision, being 3702 36th 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 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.