

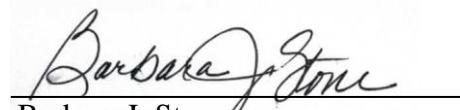
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-14-18 Sydney Foster and Corey Bettenhausen

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: May 9, 2018.

CERTIFICATE OF SERVICE

This is to certify that on May 21, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Barbara J. Stone
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of Riverdale Park

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

Petitioners: Sydney Foster and Corey Bettenhausen

Appeal No.: V-14-18

Subject Property: Lot 14, Block 39, Riverdale Park Subdivision, being 4512 Riverdale Road, Riverdale, Prince George's County, Maryland

Municipality: Town of Riverdale Park

Witness: Thomas Ahmann, Ahmann LLC, Architectural Services

Heard and Decided: May 9, 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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV), which prescribes that each lot shall have a front yard at least 25 feet in depth; Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioners propose to validate existing conditions (house, garage and existing development) and construct a screen porch with landing and stairs. Variances of 11.7 feet front yard depth for the dwelling, 12.5% net lot coverage and 1.5 feet side lot line and 1.5 rear lot line setbacks for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1889, contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, shed¹ and detached garage. Exhibits (Exhs.) 2, 4, 10, 11 and 12 (A) thru (F).

2. The property is shaped as a parallelogram, being long and narrow. Exhs. 2 and 4.

3. Petitioners would like to construct an 11' x 13' sunroom and renovate the existing kitchen and storage area. As the existing development exceeds the amount of lot coverage allowed, construction of the sunroom is additional coverage. A variance of 12.5% net lot coverage was requested. Exhs. 2, 3 (a) thru (c), 5 (A) thru (D) and 6 (A) thru (E).

4. In addition, the existing covered front porch is located 13.3 feet from the front street line and the existing detached garage is located about .5 foot from the side and rear lot lines. Variances of 11.7 feet front

¹ To help reduce the percentage lot coverage, the shed as noted on the site plan will be removed.

yard depth for the dwelling and 1.5 feet side lot line and 1.5 rear lot line setbacks for an accessory building were requested. Exhs. 2, 3 (a) thru (c), 5 (A) thru (D) and 6 (A) thru (E).

5. Thomas Ahmann proposes a screened porch addition on the back corner of the house with stairs coming down to grade level. The deck will be removed and replaced with the screened porch. With the removal of an old walkway, the shed and deck, the lot coverage has decreased as well as impervious surface. Exhs. 2, 3 (a) thru (c), 5 (A) thru (D) and 6 (A) thru (E).

6. Sydney Foster testified that the subject property's severe mosquito infestation is exacerbated by proximity to the Anacostia Water Shed, and without the screened porch the back yard would be unusable.

7. Adjoining neighbors supported the request for the variances. Exh. 8.

8. The Town of Riverdale Park supported the request. 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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1889, the house being built in 1924, the original dwelling and porch being built in a location that does not meet the current front yard setback requirement, mosquito infestation being exacerbated by proximity to the Anacostia Water Shed and therefore the screen porch being essential, 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 11.7 feet front yard depth for the dwelling, 12.5% net lot coverage and 1.5 feet side lot line and 1.5 rear lot line setbacks for an accessory building in order to validate existing conditions (house, garage and existing development) and construct an 11' x 13' screen porch with landing and stairs on the property located at Lot 14, Block 39, Riverdale Park Subdivision, being 4512 Riverdale Road, Riverdale, 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, Exh. 2 and approved elevation plans, Exhs. 3 (a) thru (c).

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.