

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

Petitioner: Christopher Smith

Appeal No.: V-5-19

Subject Property: Lot 26, Block 10, Mount Rainier Subdivision, being 4204 Rainier Avenue, Mount Rainier,
Prince George's County, Maryland

Municipality: City of Mount Rainier

Witnesses: Whitney Moore, Wife
Michael Johnson, Architect

Heard: March 6, 2019; Decided: May 22, 2019

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 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 (**of the dwelling**) and construct a second-floor addition, concrete driveway and attached garage. Variances of 13 feet front yard depth and 2.5 feet side yard are requested.

Evidence Presented

1. The property was subdivided in 1903, contains 7,798 square feet, is zoned R-55 (Single-Family Detached Residential) and is improved with a single-family dwelling, carport, covered rear porch. Exhibits (Exhs.) 2, 4, 6, 7 and 8 (A) thru (H).
2. The subject lot is shaped as a trapezoid, narrowing on the sides going towards the rear of the property. Exhs. 3 and 4.
3. The Petitioner is requesting to construct a second story addition (30'10" x 24'.6"), concrete driveway (24' x 23'.3") and garage (24' x 23'.3"). Exhs. 2, 3 and 5 (A) thru (H).
4. The City of Mount Rainer does not object to the variances, provided the garage is set back 5' from the front line of the dwelling. Exh. 22.
5. Petitioner Christopher Smith testified that the property was purchased in July 2018 with the intention of making improvements by keeping the existing structure, but fully gutting out the main floor and the basement, adding the second-floor addition and attaching the two-car garage with a driveway. The existing carport will be demolished. Exhs. 2, 3 and 5 (A) thru (H).
6. Michael Johnson stated the second-floor addition will remain on the original footprint of the dwelling (and footprint of the proposed garage). The height at mid peak will be 25'6". Exhs. 2, 3 and 5 (A) thru (H).
7. Petitioner stated that in order for his family to live in the dwelling the renovations were necessary.

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 shape of the lot being trapezoidal, the existing footprint of the dwelling, the need for secure and expanded living space for Petitioner's family 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 a variances of 13 feet front yard depth and 2.5 feet side yard in order to validate existing conditions (dwelling), construct a second-floor addition, concrete driveway and attached garage on the property located at Lot 26, Block 10, Mount Rainier Subdivision, being 4204 Rainier Avenue, Mount Rainier, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 21 and approved revised elevation plan, Exhibit 21.

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.