

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

Petitioner: Housing Initiative Partnership, Inc.

Appeal No.: V-46-19

Subject Property: Lots 31 & 32, Block 14, being 6514 Kipling Parkway, District Heights,
Prince George's County, Maryland

Municipality: District Heights

Counsel for Petitioner: Michelle LaRocca, Esq. / Myers, Rodbell and Rosenbaum, P.A.

Witness: Jocelyn Harris, Housing Initiative Partnership, Inc. (HIP)

Heard: June 26, 2019; Decided: August 7, 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) 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. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 15 feet from the front street line on corner lots where the designated front of the main building faces the side street. Petitioner proposes to validate existing conditions (dwelling) and construct a dormer, a 6-foot vinyl fence, a wood stair with canopy, a concrete driveway, replace a screen porch and renovate the existing garage. Variances of 3.5 feet front yard depth, .1-foot side yard width and 7.5 feet front street line setback for an accessory building (garage) are requested.

Evidence Presented

1. The property was subdivided in 1925, contains 7,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. The dwelling was built in 1942. The property is located on a corner lot with an alley to the rear of the property. The lot is shaped long and narrow. Exhibits (Exhs.) 2, 5, 6, 7 and 8 (A) thru (F).

2. Petitioner proposes to validate existing conditions (dwelling) and construct a dormer, a 6-foot vinyl fence, a wood stair with canopy, a concrete driveway, replace a screen porch, and renovate the existing garage. Variances of 3.5 feet front yard depth for the proposed wood stair with canopy, .1-foot side yard width for the proposed dormer and 7.5 feet front street line setback for an accessory building (garage) are required. Exhs. 2, 3, 4, 16 (A) thru (E).

3. Counsel Michelle LaRocca stated that the dwelling is a 1 ½ story Cape Cod house that was built in 1942 and that updated improvements are needed. Exhs. 2, 3, 4, 16 (A) thru (E).

4. Jocelyn Harris explained that the existing metal canopy at the entrance of the dwelling will be replaced with a wood staircase and a shingle style canopy/awning. She further explained that because the house is Cape Cod style home, the attic is essentially finished and has been renovated for living space. She stated that HIP would like to add a second story addition on the rear of the house. She further stated that the roof level for the addition would be the same to square the back of the house. She informed the Board that

HIP would like to create a more usable living space (2 bedrooms and a bathroom). Exhs. 2, 3, 4, 16 (A) thru (E).

5. Jocelyn Harris initially requested a 6-foot vinyl fence around the entire rear of the property, however, the City of District Heights requested that 50% light must shine through the fence. The fence has been revised to be a picket fence and the height has been reduced to 4-feet. Petitioner has submitted revised elevation plans of the fence. Exhibits 17 and 18.

6. Neighbors were notified by letter of the proposed development. Exh. 19.

7. The City of District Heights approved the project. Exhs. 17 and 18.

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 age of the dwelling (1942) and the need to validate existing conditions, the need for expanded living space, the promotion of home ownership and renovation of older houses located inside the beltway, 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 3.5 feet front yard depth, .1-foot side yard width and 7.5 feet front street line setback for an accessory building (garage) in order to validate existing conditions (dwelling) and construct a dormer, a wood stair with canopy, a concrete driveway and replace a screen porch, and renovate the existing garage on the property located at 6514 Kipling Parkway, District Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved and revised elevation plans, Exhibits. 3 and 18.

BOARD OF ZONING APPEALS

(ORIGINAL SIGNED)

By: _____

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.