

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

Petitioner: JCL Funding Group, LLC

Appeal No.: V-89-19

Subject Property: Part of Lots 41 thru 45, Fairmount Heights-Godfreys Second Addition Subdivision, being
6209 Field Street, Seat Pleasant, Prince George's County, Maryland

Municipality: City of Seat Pleasant

Counsel for Petitioner: Bradly Farrar, Esq.

Witness: Craig White, Principal of JCL Funding Group, LLC

Heard and Decided: September 18, 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 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(b)(Table I) prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth; on each corner lot shall have a side yard along the side street at least 25 feet in depth. Petitioner proposes to validate existing conditions (property and dwelling) and construct a two-story addition keeping the foundations, with an open porch. Variances of 250 square feet net lot area, 15 feet front building line width, 1.5 feet front yard depth and 19 feet side street yard depth are requested

Evidence Presented

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

1. The property was subdivided in 2013 contains 6,250 square feet, is zoned R-55 (One-Family Detached Residential) and is a partially improved, with foundation only. Exhibits (Exhs.) 2, 4, 8, 9 10 (A) thru (F), 23 and 24.¹

2. The subject lot is a corner lot located at the intersection of Field Street and 62nd Place. Exhs. 2, 48, 9, 10 (A) thru (F) and 24.

3. Petitioner explained that he is requesting permission to complete construction of a proposed two-story frame dwelling with an open porch. Currently, only the original foundation remains on the lot. Demolition of the prior dwelling was required due to extreme termite damage. Variances are required to validate the property and foundation due to the re-subdivision of the property in 1963. Specifically, as the lot does not meet the current net lot area, a variance of 250 square feet is required. A variance for the width of the front building line is needed as the subject lot is only 50 feet wide. The front yard setback is currently 1.5 feet under the required minimum requirement and the side street line setback is under the minimum of 19

¹ A revised site plan was submitted to remove a garage and replacing it with a parking pad. Exh. 24.

feet. Therefore, variances of 1.5-foot front yard and a 19' side street line setback are required, respectively. Exhs. 2, 3, 5 (A) thru (I), 6 (A) thru (C), 19, 20, 21 and 24.

3. Attorney Bradley Farrar Esq. explained that Petitioner would like to validate existing conditions associated with the property. He stated that the original house was built in the 1940's with its current location and predates current zoning requirements. He further explained that the subject site contains "P/O Lots 42, 43, 44 and 45" and was subdivided by deed running parallel to Field Street. The subject lots were bifurcated creating one small and narrow lot with a small front and narrow side yards. The property has topographic challenges as the front of the subject lot is at a precipice of a severe slope. The lot also is a corner lot. Exhs. 2, 3, 5 (A) thru (I), 6 (A) thru (C), 19, 20, 21 and 24.

4. He further stated that the existing house had extensive and severe termite damage and was deconstructed in 2018. JCL Funding is building a two-story dwelling on the existing foundation over the same footprint. In order to obtain a building permit for the new construction, prior Board validation of the existing conditions must be granted. Exhs. 2, 3, 5 (A) thru (I), 6 (A) thru (C), 19, 20, 21 and 24.

5. Mr. Craig White stated that the structure, excluding the proposed front porch, will be constructed on the same current footprint and the appearance of the house will be more modern. Exhs. 2, 3, 5 (A) thru (I), 6 (A) thru (C), 19, 20, 21 and 24.

6. The City of Seat Pleasant is in support of the proposed variances. Exh. 14.

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 house being built in the early 1940's, the sloping topography of the property, the odd shape of the corner lot, irreparable termite damage requiring the demolition of the prior dwelling 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 250 square feet net lot area, 15 feet front building line width, 1.5 feet front yard depth and 19 feet side street yard depth order to validate existing conditions (property and dwelling) and construct a two-story addition with an open porch on the property located at 6209 Field Street, Seat Pleasant, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibits. 24 and approved elevation plan, Exhibits. 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.