

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

Petitioners: Norman and Brenda McCrea

Appeal No.: V-117-19

Subject Property: Lot 40, Block M, Eastpines Subdivision, being 5628 67th Avenue, Riverdale,
Prince George's County, Maryland

Heard and Decided: November 20, 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(s) request(s) that the Board approve a variance from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line and 50 feet measured along the front street line. 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. 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 proposes to validate existing conditions (building line, street line and shed) and obtain a permit to construct 3-story elevator addition, stoop with steps and front porch with steps. Variances of 15 feet front building line width, 5.02 feet front street line width, 3 feet front yard depth, 1 feet side yard width and 2 feet side lot line setback for an accessory building were requested.

Evidence Presented

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

1. The property was subdivided in 1946, contains 16,815 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a two-story single-family dwelling, driveway, deck and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The property is odd shaped – extremely narrowing towards the front and widening towards the rear of the property. The current street frontage is only 44 feet in width and the frontage is slightly curved. Exhs. 2 and 4.
3. Petitioner would like to construct an 5' x 6' elevator addition, a side stoop and step on the left side and a 10' x 6' front porch with steps. To obtain a building permit for the proposed construction, certain conditions related to the preexisting dimensions of the lot size (front building line width of 15 feet and 5.02 front line width) must be validated. In addition, adding the front porch requires a front yard variance of 3-feet, the 3-story elevator requires a 1-foot left side yard setback and the existing shed requires a 2 feet right side yard setback. Exhs. 2, 3 (a) thru (e) and 5 (A) thru (F).
4. Petitioner Norman McCrea stated that the proposed elevator will open to a hallway on the first and second floors as well as into the laundry room in the basement. He explained that the elevator is critically

important because of his wife's lack of mobility - she currently uses a walker. He opined that his various ailments may in the future also impact his mobility. Exhs. 2, 3 (a) thru (e) and 5 (A) thru (F).

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 odd shape and exceptional narrowness of the lot, the lack of mobility of Petitioner 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 15 feet front building line width, 5.02 feet front street line width, 3 feet front yard depth, 1 feet side yard width and 2 feet side lot line setback for an accessory building in order to validate existing conditions (building line, street line and shed) and obtain a permit to construct 3-story elevator addition, stoop with steps and front porch with steps on the property located at 5628 67th Avenue, 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, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (e).

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.

