

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

Petitioners: Devin and Amanda Chesney

Appeal No.: V-124-19

Subject Property: Lot 16, Block N, Carole Highlands Subdivision, being 7223 15th Avenue, Takoma Park, Prince George's County, Maryland

Heard and Decided: February 5, 2020

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, Petitioners request that the Board approve variances from Section 27-442(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 6,500 square feet. 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) prescribes that each lot shall have a side yard at least 8 feet in width. Petitioners propose to obtain a building permit for a proposed construction of a two-story addition and front porch. Variances of 135 square feet net lot area, 2.6 feet front yard depth and 4 feet side yard width are requested.

Evidence Presented

1. The property was subdivided in 1945, contains 6,365 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a small single-family dwelling. The original dwelling was constructed in 1947 and is only 800 square feet. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioners would like to construct a second story addition and a covered front porch. Because the lot was created in 1945 and does not meet current zoning standards, a variance of 135 square feet net lot area is required and requested. The proposed covered front porch will encroach into the front yard setback; therefore, a variance of 2.6 feet front yard setback is also requested. A large portion of the second story addition will be located to the left of the existing dwelling and will exceed the minimum allowable setback; therefore, a variance of 4 feet side yard setback is requested. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (D).

3. V-98-14 was approved on February 11, 2015, in which was requested a 2'6" front yard depth, 2'2" side yard width, 17 feet front street line setback and a waiver of the fence height and location requirement for a retaining wall with railings in order to construct a two-story addition with basement garage, a one-story addition with basement, a covered front porch, driveway and retaining walls with railing. Petitioner Devin Chesney advised the Board that because of financing issues, the prior approved variances expired prior to construction. Exh. 26.

4. Petitioner Devin Chesney stated that he is proposing to construct a 2-story addition to the left side of the house with a front porch. V-98-14 included a basement with garage and a fence; which is not requested in this appeal. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (D).

5. Carole Highland Neighborhood Association had no objections to the proposed variances. Exh. 23.

6. Petitioners stated that with 2 small children, expansion is needed. The addition will not be out of character as many homes in the area have added additions. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (D).

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 800 square foot home being constructed in 1947, the need for additional living area, the prior approval of V-98-14 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 variance of 135 square feet net lot area, and 2.6 feet front yard depth and 4 feet side yard width in order to obtain a building permit for a proposed construction of a two-story addition and front porch on the property located at 7223 15th Avenue, Takoma Park, 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 25 and approved elevation plans, Exhibits 3 (a) thru (d).

BOARD OF ZONING APPEALS

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.