

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

Petitioner: Satyanarayana Gunnam

Appeal No.: V-137-19

Subject Property: Lots 17 and P/16, Block 8, Colmar Manor Subdivision, being 3414 41st Brentwood,
Prince George's County, Maryland

Municipality: Town of Colmar Manor

Witness: Kenneth Harrison, Department of Permitting, Inspections and Enforcement, Inspector

Heard: January 8, 2020; Decided: January 22, 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 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 Petitioner requests that the Board approve variances from Section 27-442(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(d)(Table III), which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line; 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; Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width; Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions (lot size, front building line, front yard, side yard) and obtain a building permit for an unauthorized construction of a covered deck and a proposed enclosed porch. Variances of 2,000 square feet net lot area, 20 feet front building line width, 25 feet front yard depth, 2 feet left side width, 5 feet right side yard width and 3% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1918, contains 3,000square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. The lot is extremely narrow at only 30 feet. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. Petitioner Satyanarayana Gunnam would like to validate conditions of the property, including the existing location of the dwelling, in order to obtain building permits for the unauthorized construction of a covered deck and an enclosed porch. In order to validate the lot size, variances of 2,000 sq. ft net lot area and 20 feet front building line are necessary. In addition, variances of 23% net lot coverage, 5 feet front yard depth, 2 feet left side width and 5 feet right side yard, are also requested. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (K).

3. Petitioner stated the he and his wife with two children, purchased the property two years ago. When he purchased the house, there was an existing deck¹ in the rear yard and a porch on the rear of the house. The roof and screen enclosure were put on the porch to allow his children to play outside without being bitten by mosquitoes. He stated that the County does not spray (for mosquitos) in his area.

4. Inspector Kenneth Harrison stated that he has no issues with the porch or deck, but Petitioner needs to obtain the appropriate building permits for the improvements.

5. The Town of Colmar Manor is in agreement with the requested variances. Exh. 17.

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 need for an enclosed porch for protection from mosquitoes as the County does not spray for mosquitos in the area 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 2,000 square feet net lot area, 20 feet front building line width, 25 feet front yard depth, 2 feet left side width, 5 feet right side yard width and 3% net lot coverage in order to validate existing conditions (lot size, front building line, front yard, side yard) and obtain a building permit for the unauthorized construction of a covered deck and a proposed enclosed porch on the property located at 3414 41st Avenue, Brentwood, 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 (c).

BOARD OF ZONING APPEALS

By: _____

ORIGINAL SIGNED)

Bobbie S. Mack, Chairperson

¹ Petitioner indicated that the deck in the rear yard will be removed.

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.