

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

Petitioner: Freddie Smith

Appeal No.: V-153-19

Subject Property: Lots 1 thru 3, Block L, Fairmount Heights Subdivision, being 5901 Veterans Monument Place, Prince George's County, Maryland

Municipality: Town of Fairmount Heights

Witness: Linda Smith, Wife

Heard: February 5, 2020; Decided: February 19, 2020

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(e)(Table IV) prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth. 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. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 60 feet from the front street line. Petitioner proposes to validate existing conditions (front yard, side street yard depth, lot coverage and shed location) and obtain a building permit for a proposed one-story addition over an existing concrete patio. Variances of 13 feet front yard depth, 9 feet side street yard depth, 12% net lot coverage and 3 feet front street line setback for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1900, contains 7,625 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, one-story addition and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. The subject property is located on a corner lot with the dwelling facing the legal side street yard. The lot is irregular in shape with the legal front being at a fragmented angle. Exhs. 2, 3 and 5 (A) thru (E).

3. Petitioner proposes to validate existing conditions (front yard, lot coverage and shed) and obtain a building permit for a proposed one-story addition over an existing concrete patio. Because the property was created in size in 1900 and the dwelling was constructed on the property in 1960, it does not meet the current front and side yard setbacks and lot coverage zoning standards. Therefore, variances of 13 feet front yard depth, 9 feet side street yard depth and 12% net lot coverage are being requested, respectively. In addition, although the shed is located behind the dwelling, because of the length of the property, the shed does not meet the 60-foot setback from the street. As such, a variance of 3 feet front street line setback is requested. Exhs. 2, 3 and 5 (A) thru (E).

4. The Town of Fairmount Heights had no objections to the requested variances. Exh. 19.

5. Petitioner Freddie Smith stated that the proposed one-story addition will be over the existing patio area which is located to the right of the dwelling (along 59th Avenue). He noted that because there is a driveway that runs around the house, the addition could not be placed on the opposite side of the house. He

stated that thy purpose of the addition is to provide additional kitchen area which will now allow a dining room area. Exhs. 2, 3 and 5 (A) thru (E).

6. Mrs. Linda Smith explained that basically they are closing in the existing open patio area. The In addition to providing more living area, the new addition will have French doors which can be utilized as an addition emergency exit. Exhs. 2, 3 and 5 (A) thru (E).

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 property being created in 1900, the configuration of the dwelling was constructed in 1960, the unique angular shape of the lot, the addition being built over the existing patio, the need for additional living space 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 13 feet front yard depth, 9 feet side street yard depth, 12% net lot coverage and 3 feet front street line setback for an accessory building in order to validate existing conditions (front yard, side street yard depth, lot coverage and shed location) and obtain a building permit for a proposed one-story addition over an existing concrete patio on the property located at 5901 Veterans Monument Place, Capitol 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, Exh. 2 and approved elevation plan, Exh. 3.

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.