

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

Petitioners: Panfilo and Delia Romero

Appeal No.: V-147-18

Subject Property: Lots 49 & 50, Block 26, Greater Capitol Heights Subdivision, being 4718 Gunther Street, Capitol Heights, Prince George's County, Maryland

Witnesses: Yohana Romero, Daughter

Heard and Decided: January 9, 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, Petitioners request 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), which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth, a side yard at least 8 feet in width and a rear yard at least 20 feet in depth/width; and Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate existing conditions (property and dwelling), construct a two-story addition, with covered stoop and basement, a driveway extension and replace the roof on the existing dwelling. Variances of 1,000 square feet net lot area, 10 feet front building line width, 14 feet side street yard depth, 1-foot side yard width, 6 feet rear yard depth/width and 14.5% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1909, contains 4,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is a corner lot with the dwelling facing the legal front street and the driveway accessing the legal side street. Exhibits (Exhs.) 2, 7, 8 and 9 (A) thru (H).

2. Petitioners would like to construct a 14' x 25' two-story addition, with basement, 3.5' x 6' covered stoop on the rear of the dwelling, 11' x 32' driveway extension and replace the roof on the existing dwelling. The stoop would be located 14 feet from the rear lot line and construction of the addition and driveway would exceed the amount of lot coverage allowed. Variances of 6 feet rear yard depth/width and 14.5% net lot coverage were requested. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (D).

3. The lot size and width of the subject property do not meet the current minimum requirements for the existing dwelling, as well as for the proposed addition, being located 11 feet from the side street line and 4 feet from the side lot line variances are required. Variances of 1,000 square feet net lot area, 10 feet front

building line width, 14 feet side street yard depth and 1-foot side yard width were requested. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (D).

4. Panfilo Romero testified that he would like to construct a two-story addition on the rear of the house. He explained that the house is very small and additional space for a dining room and bathroom are needed. He further stated that bedrooms will be constructed on the second floor. Currently, there are 5 family members residing in the home. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (D).

5. Other two-story dwellings are located in the community. Exhs. 9 (A thru (H).

6. Yohana Romero stated that the dining room and kitchen are of limited sizes. 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 property being a corner lot, the small size of the corner lot when subdivided in 1909, the narrowness of the lot, the diminutive size of the dwelling, 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances 1,000 square feet net lot area, 10 feet front building line width, 14 feet side street yard depth, 1 foot side yard width, 6 feet rear yard depth/width and 14.5% net lot coverage in order to validate existing conditions (property, dwelling), construct a 14' x 25' two-story addition, with basement, and 3.5' x 6' covered stoop on the rear of the dwelling, an 11' x 32' driveway extension and to replace the roof on the existing dwelling on the property located at Lots 49 & 50, Block 26, Greater Capitol Heights Subdivision, being 4718 Gunther Street, Capitol Heights, 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 (d).

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.