

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-183-07 Samuel Joyce

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: November 28, 2007 .

CERTIFICATE OF SERVICE

This is to certify that on December 18, 2007 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed) _____

Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
DER, Building Code Official, Permit & Review Div.
M-NCPPC, Permit Review Section

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

Petitioner: Samuel Joyce

Appeal No.: V-183-07

Subject Property: Lot 8, Block M, Hillcrest Heights Subdivision, being 2415 Fairlawn Street, Temple Hills, Prince George's County, Maryland

Witness: Jim Garner, Patio Enclosures, Inc.

Heard and Decided: November 28, 2007

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, Petitioner requests that the Board approve a variance from Section 27-442(c)(Table II) of the Zoning Ordinance, which 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 and enclose an existing screened porch into a sunroom. A variance of 4% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1948, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The existing house was built in 1956 (Exhibit 7).
2. The property is rather narrow, being 100 feet deep, but only 55 feet wide (Exhibit 2).
3. Petitioner would like to enclose an existing 8' x 17' screened porch into a sunroom. Since the allowed amount of lot coverage is already exceeded by existing development on the property, a variance of 4% net lot coverage was requested to validate existing conditions and obtain a permit to construct the sunroom.
4. Petitioner's contractor, Jim Garner, testified that since there is already an existing foundation and roof, the proposed sunroom would not increase the footprint of the house. He stated that the existing screened porch, which is part of the original house, is in disrepair. See Exhibits 6 & 12.

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 narrowness of the property, the existing house being built many years ago, the existing conditions on the property, the existing screened porch being a part of the original house and needing major repairs, the proposed sunroom to be constructed by enclosing the existing screened porch, the proposed sunroom not increasing the footprint of the existing house, 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 a variance of 4% net lot coverage in order to validate existing conditions and enclose an existing screened porch into a sunroom on the property located at Lot 8, Block M, Hillcrest Heights Subdivision, being 2415 Fairlawn Street, Temple Hills, Prince George’s County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.

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.