


NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-191-07 Irene Woodruff

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: ~~December 12, 2007~~ .

CERTIFICATE OF SERVICE

This is to certify that on January 17, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

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

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

Petitioner: Irene Woodruff

Appeal No.: V-191-07

Subject Property: Lots 30 & 31, Block I, Fairmount Heights Subdivision, being 707 61st Avenue, Capitol Heights, Prince George's County, Maryland

Municipality: Town of Fairmount Heights

Witness: Don Lawson, Statewide Remodeling, Inc.

Heard and Decided: December 12, 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 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 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, 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. Petitioner proposes to validate existing conditions in order to obtain a building permit to replace an existing retaining wall. Variances of 13.5 feet front yard depth and 26.4% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1900 and recorded in 1930, contains 6,250 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The existing house was built in 1919 (Exhibit 5).
2. The property is a long and narrow lot, being 125 feet deep, but only 50 feet wide (Exhibit 2).
3. Petitioner would like to replace an existing wooden retaining wall at the rear of the property which has deteriorated and is failing. Existing conditions on the property must be validated before a building permit can be obtained for a new retaining wall. Since the existing 9' x 8' covered front porch is located 11.5 feet from the front street line, a variance of 13.5 feet front yard depth was requested.
4. The submitted site plan shows that the existing driveway extends from the front of the property to a parking area in the rear yard (Exhibit 2). Because of the large amount of driveway area, the allowed amount of net lot coverage has been exceeded and must be validated. A variance of 26.4% net lot coverage was requested to validate this existing condition.
5. Mr. Don Lawson, Petitioner's contractor, testified that the existing wall is dangerously close to collapsing, which could cause the collapse of the adjacent fence. See Exhibit 4. He stated that the new wall would be made of cinder blocks and would have 30-inch footings.

6. Petitioner Irene Woodruff testified that the concrete area behind the house is accessible to vehicles. She stated that she has lived at the property for 30 years and that the front porch was built with the original house.

7. The Town of Fairmount Heights had no opposition to the request (Exhibit 10).

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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the property, the house being built many years ago, existing conditions on the property, the existing retaining wall having deteriorated and needing to be replaced, 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 13.5 feet front yard depth and 26.4% net lot coverage in order to validate existing conditions in order to obtain a building permit to replace an existing retaining wall on the property located at Lots 30 & 31, Block I, Fairmount Heights Subdivision, being 707 61st Avenue, 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.

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.