

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-19-08 Michael & Brenda Stello

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: April 2, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on April 22, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

cc: Petitioners
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

Petitioners: Michael & Brenda Stello

Appeal No.: V-19-08

Subject Property: Lot 3, Block 38, Beltsville Subdivision, being 4716 Powder Mill Road, Beltsville,
Prince George's County, Maryland

Heard and Decided: April 2, 2008

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(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(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from a front street line, 2 feet from any side lot line and generally be located only in the rear yard. Petitioners propose to validate existing conditions and construct a deck and one-story addition, with basement. Variances of 13 feet street line setback from Powder Mill Road, 23.1 feet street line setback from Howard Avenue, 9.4% net lot coverage; and 53 feet front street line setback, 2 feet side lot line setback and a waiver of the rear yard location requirement for an existing shed are requested.

Evidence Presented

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

1. The property was recorded in 1930, contains 5,364 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, two driveways and a shed. The lot is unusually small in comparison to other lots in the subdivision (Exhibit 4). The existing house was built in 1924 (Exhibit 8).
2. The subject property is an odd-shaped through lot, fronting on three streets and having one side lot line. The existing house faces Powder Mill Road (Md. Rte. 212). Existing driveways access the property from both Prince George's Avenue and Howard Avenue. An existing 12' x 16' shed extends onto an adjoining property (Lot 4). See Exhibit 2.
3. Petitioners would like to construct a 16' x 20' one-story addition, with basement, on the side of the house, replacing an existing deck. They would also like to construct a 12' x 8' deck to the side of the addition. Since existing development on the property already causes the allowed amount of net lot coverage to be exceeded, construction of the addition would cause that amount to be further exceeded. A variance of 9.4% net lot coverage was requested.

4. Other existing conditions on the property must also be validated in order to obtain a building permit for the proposed addition and deck. Since the steps to an existing covered front porch are located 12 feet from the street line of Powder Mill Road and the existing dwelling is located 1.9 feet from the street line of Howard Avenue, variances of 13 feet front yard depth from Powder Mill Road and 23.1 feet front yard depth from Howard Avenue were requested, respectively. The proposed addition would be located 23 feet from Powder Mill Road at the closest point.

5. In addition, since an existing 12' x 16' shed is located 7 feet from the street line of Prince George's Avenue at the closest point and extends over the side lot line, variances of 53 feet front street line setback from Prince George's Avenue, 2 feet side lot line setback and a waiver of the rear yard location requirement for an accessory building were requested.

6. Petitioner Michael Stello testified that he has constructed the current shed in the same location as an old shed. He explained that there are two small bedrooms in the house and a larger bedroom is needed that is handicapped-accessible. He testified that the houses in the neighborhood are old and approximately 90% of the homes have been improved with additions (Exhibit 5(C-H)).

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 property being recorded in 1930, the unusual shape of the lot, the uniquely small size of the property in relation to other lots in the neighborhood, the property being a through lot fronting on three streets, the house being built many years ago, the existing conditions on the property, the need for additional handicapped-accessible living space, a deck being removed where the proposed addition is to be built, the proposed construction not infringing beyond any required setback except where one corner of the proposed addition infringes 10 feet less than 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 13 feet street line setback from Powder Mill Road, 23.1 feet street line setback from Howard Avenue, 9.4% net lot coverage; and 53 feet front street line setback, 2 feet side lot line setback and a waiver of the rear yard location requirement for an existing shed in order to validate existing conditions and construct a deck and one-story addition, with basement, on the property located at Lot 3, Block 38, Beltsville Subdivision, being 4716 Powder Mill Road, Beltsville, 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 the approved elevation plans, Exhibit 3(a)&(b).

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.