

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-19-11 Bromley & Audrey Douglas

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 20, 2011 .

CERTIFICATE OF SERVICE

This is to certify that on May 2, 2011 , 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: Petitioners
 Adjoining Property Owners
 M-NCPPC, Permit Review Section
 DER/Agency Code Official, Permits & Review Group
 Eastpines Community Association

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

Petitioners: Bromley & Audrey Douglas

Appeal No.: V-19-11

Subject Property: Lot 14, Block C, Eastpines Subdivision, being 5904 Eastpine Drive, Riverdale,
Prince George's County, Maryland

Heard and Decided: April 20, 2011

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 corner lot shall have a minimum side yard along the side street at least 25 feet in depth and a rear yard at least 20 feet in depth/width. Petitioners propose to validate existing conditions and construct a one-story addition. Variances of 3.5 feet side street yard depth and 12 feet rear yard depth/width are requested.

Evidence Presented

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

1. The property was subdivided in 1941, contains 5,960 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. See Exhibits ("Exhs.") 2, 4, 8-9. The property was improved with a single-family dwelling in 1942. See Exh. 8.
2. The property is an odd-shaped corner lot with the house facing the legal side street, Eastpine Drive. Driveway access is from the legal front street, Patterson Street. The left side line of the house sits at an angle to the rear lot line and the left rear corner of the house is only 14 feet from that property line. See Exh. 2.
3. Petitioners would like to construct a 13' x 18' one-story addition on the rear of the existing dwelling, but variances are needed in order to obtain a building permit. See Exh. 2. Since a covered porch is located 21.5 feet from the side street line and the proposed addition would be located only 8 feet from the rear lot line, variances of 3.5 feet side street yard depth and 12 feet rear yard depth/width were requested. See Exh. 11.
4. Petitioner Douglas Bromley testified that the proposed addition is needed to accommodate an aging parent.
5. Mr. Bromley stated that the existing shed in the back yard will be removed. See Exh. 2.
6. Petitioner Audrey Bromley testified that the existing basement stairs will remain and lead to storage area and new stairs will be built that go to the basement door. See Exhs. 3(a), 5(C). She testified

that the conditions existing on the property were there prior to purchase and neighbors did not object to their request for variances.

7. Eastpines Community Association provided no comment on the request.

8. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request with regard to the description of the property contained on the record plat of subdivision for Eastpines Section 1 (BB 8 @ 75 – Lot 14, Block C). The Subdivision Section stated that the record plat established a 25-foot building restriction line (BRL) along the streets for this corner lot. The proposed structure does not encroach on the BRL, but the existing wood porch infringes on the recorded BRL. It was stated that if the variances are granted, Petitioner should be required to submit a minor final plat of subdivision (pursuant to Section 24-108 of the Subdivision Regulations) to have the existing BRL removed. A minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park and Planning Commission. See Exh. 18.

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 subdivided in 1941, the unusual shape of the property, the property being a corner lot, the house being built in 1942 and facing the legal side street, the angle of the rear lot line property line in relation to the left side line of the house, the house and proposed addition not meeting the current rear yard setback requirement, the proposed addition to be built in the legal side yard in conformance with the required setback requirements, the need for additional living space to accommodate an aging relative, 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 3.5 feet side street yard depth and 12 feet rear yard depth/width in order to validate existing conditions and construct a 13' x 18' one-story addition on the property located at Lot 14, Block C, Eastpines Subdivision, being 5904 Eastpine Drive, Riverdale, 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). Prior to the issuance of a building permit, Petitioner shall be required to submit a minor final plat of subdivision (pursuant to Section 24-108 of the Subdivision Regulations) to have the existing building restriction line removed. A minor final plat must be prepared

by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park and Planning Commission.

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.