


NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-203-07 Dina White

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: February 27, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on March 13, 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: Dina White

Appeal No.: V-203-07

Subject Property: Lot 31 and Part of Lot 30, Block 6, Cottage City Subdivision, being 3800 Parkwood Street, Brentwood, Prince George's County, Maryland

Municipality: Town of Cottage City

Heard: January 16, 2008; Decided: February 27, 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, Petitioner requests 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 6,500 square feet; Section 27-442(d) (Table III), which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line; and Section 27-442(e)(Table IV), which prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 6.5 feet in width. Petitioner proposes to validate existing conditions and construct a two-story addition and a second-story addition. Variances of 425 square feet net lot area, 20 feet front building line width, 4.4 feet front yard depth and 4.5 feet side yard width are requested.

Evidence Presented

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

1. The property contains 6,075 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. The existing house was built in 1916 (Exhibit 8).
2. The property is located within a recorded subdivision (Cottage City) (Exhibit 4), but was created by deed in 1950 in its current configuration (Exhibit 5). The property is a long and narrow lot.
3. Petitioner would like to construct a second floor addition over the existing 24.7' x 36.5' dwelling and a 24.67' x 22' two-story addition on the rear of the dwelling. In order to obtain a building permit, variances are needed.
4. The property does not meet the current lot size and front building line lot width requirements and these conditions must be validated. Variances of 425 square feet net lot area and 20 feet front building line width were requested. In addition, since the covered front porch is located 20.6 feet from the front street line, and the existing house and proposed construction is located 2 feet from the side lot line, variances of 4.4 feet front yard depth and 4.5 feet side yard width were requested.

5. Petitioner testified that she has owned the property since 1996. She stated that the second level of the existing house is only an attic, and she would like to enlarge the house now that she can afford it. She further stated that there are a couple of other home renovations in the neighborhood. She explained that no trees will need to be removed to complete her renovations.

6. The Cottage City/Colmar Manor Volunteer Fire Company, owner of an adjoining corner lot, opposed the request, stating that approval might interfere with ongoing negotiations with the Historical Society regarding restoration of the building on their property or might cause a loss in property value (Exhibit 14).

7. Petitioner further testified that the old fire house on the adjoining property is next to the rear-most portion of her back yard and a grassy area of that lot is next to her house.

8. The Town of Cottage City had no objection to the request (Exhibit 13).

9. When the Board inquired into the historical status of the adjoining Volunteer Fire Company property, the Historic Preservation and Public Facilities Section of the Maryland-National Capital Park and Planning Commission informed the Board that neither the subject property nor any property on that block of Parkwood Street and 38th Avenue is listed as a Historic Site or a Historic Resource in the Historic Sites and Districts Plan and that the property is not in a Local Historic District or a National Register Historic District (Exhibit 15).

10. When the Board contacted the Volunteer Fire Company in writing to clarify what "Historical Society" entity was relevant and to offer the Fire Company an opportunity to submit further comments on the request (Exhibit 16), no response was received.

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 created by deed in 1950, the existing house being built in 1916, the narrowness of the property, the existing conditions on the property, 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 425 square feet net lot area, 20 feet front building line width, 4.4 feet front yard depth and 4.5 feet side yard width in order to validate existing conditions and construct a two-story addition and a second-story addition on the property located at Lot 31 and Part of Lot 30, Block 6, Cottage City Subdivision, being 3800 Parkwood Street, Brentwood, 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 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.