

*NOTICE OF FINAL DECISION*


*OF BOARD OF APPEALS*

RE: Case No. V-206-07 Joseph Fletcher

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: January 30, 2008 .

**CERTIFICATE OF SERVICE**

This is to certify that on February 27, 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

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

Petitioner: Joseph Fletcher

Appeal No.: V-206-07

Subject Property: Lot 3, Block 1, Maryland Park Subdivision, being 217 Maryland Park Drive,  
Capitol Heights, Prince George's County, Maryland

Witness: Shawn Bryant, Petitioner's contractor

Heard: January 16, 2008; Decided: January 30, 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(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; Section 27-442(e)(Table IV), which prescribes that each lot shall have a side yard at least 7 feet in width; Section 27-442(i)(Table VIII), which prescribes that on a corner lot accessory buildings shall be set back 30 feet from the side street line and 10 feet from the rear lot line; 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 and replace an existing screened front porch with an enclosed front porch. Variances of 14.2 feet side street yard depth, 2.5 feet side yard width, 3.8 feet side street setback for an existing detached garage, 3.2 feet side street setback and 7 feet rear lot line setback for an existing shed, and 5.1% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1927, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, detached garage and shed.
2. The property is a corner lot, with the house facing the legal front street (Exhibit 2). The existing house was built in 1923 (Exhibit 6).
3. Petitioner testified that he has lived at the property for 47 years. He proposes to replace the existing 19.83' x 6.7' screened porch located on the front of the existing house with a 19.83' x 10' enclosed porch. In order to obtain a building permit to construct the porch addition, existing conditions must be validated. Since existing development on the property already causes the allowed amount of net lot coverage to be exceeded, the larger porch would cause that amount to be further exceeded. A variance of 5.1% net lot coverage was requested. Since the existing house is located 5 feet from the side lot line

and an existing 13.9' x 4.3' basement entrance is above grade and located 10.8 feet from the side street line, variances of 14.2 feet side street yard depth and 2.5 feet side yard width were requested. Since an existing 12.2' x 20.3' detached garage is located 26.2 feet from the side street line, a variance of 3.8 feet side street line setback was requested. Since an existing 8' x 5.5' shed is located 26.8 feet from the side street line and 3 feet from the rear lot line, variances of 3.2 feet side street line and 7 feet rear lot line setbacks were requested.

4. Shawn Bryant, Petitioner's contractor, testified that the floor joists of the existing screened porch are rotting. He further testified that because the residents of the property are older and the swing of the doors on the existing screened porch is a safety hazard, the depth of the new porch addition would be 3 feet more than the existing porch and the new front door would be centered.

5. Mr. Bryant testified that the styles of the houses in the neighborhood are not consistent.

6. 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 Maryland Park, Section A (SDH 3 @ 58 – Lot 3, Block 1). The Subdivision Section stated that the requested variance is not in conflict with the subject record plat because the proposed building development is located behind the existing 25-foot building restriction line shown on the plat along Maryland Park Drive (aka 63<sup>rd</sup> Street on the record plat) and the 15-foot building restriction line shown on the plat along Early Street (aka Watt Street on the record plat).

#### 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 house being built in 1923, the property being subdivided in 1927, the property being a corner lot, there being an above-grade basement entrance on the side of the house facing the legal side street, other existing conditions on the property, the proposed porch addition replacing an existing screened porch which had become a safety hazard, the new porch addition not infringing upon any required setback, 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 14.2 feet side street yard depth, 2.5 feet side yard width, 3.8 feet side street setback for an existing detached garage, 3.2 feet side street setback and 7 feet rear lot line setback for an existing shed, and 4% net lot coverage in order to validate existing conditions and replace an existing screened front porch with an enclosed front porch on the

property located at Lot 3, Block 1, Maryland Park Subdivision, being 217 Maryland Park Drive, 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, 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.