

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-58-08 Ronal Medina

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: August 6, 2008.

CERTIFICATE OF SERVICE

This is to certify that on August 27, 2008, 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: 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: Ronal Medina
Appeal No.: V-58-08
Subject Property: Lots 16-18, Block A, Sylvan Vista Subdivision, being 1111 61st Avenue, Fairmount Heights, Prince George's County, Maryland
Municipality: Town of Fairmount Heights
Witness: Leonard Williams, adjoining property owner
Heard: July 2, 2008; Decided: August 6, 2008
Board Members Present and Voting: Bobbie S. Mack, Chairperson
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 a variance 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 a variance from Section 27-442(c)(Table II) of the Zoning Ordinance, 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 construct a one-story addition and deck. A variance of 7% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1923, contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The existing house was built in 1966. See Exhibits 2, 4 & 6.
2. The property contains only 6,000 square feet and is only 60 feet wide. There is a wide, grassy median strip between the houses on Petitioner's side of the street and the houses on the other side of the street. The existing driveway on the property is approximately 10 feet wide and spans the entire length of the property. See Exhibits 2, 4 & 7.
3. Petitioner would like to construct a 14' x 16' one-story addition and 10' x 16' deck on the rear of the existing dwelling. Since existing development already causes the allowable amount of lot coverage to be exceeded, that amount would be further exceeded by construction of the proposed addition. A variance of 7% net lot coverage was requested to validate the existing lot coverage and obtain a permit to construct the addition and deck.
4. Petitioner testified that the existing house has no dining room and the kitchen eating area only allows a round table. He stated that the proposed dining room would fit a rectangular table large enough to accommodate his family.

5. Petitioner further testified that the addition would have a cathedral ceiling, with the peak of the roof six feet higher than the existing house. He stated that a similar addition was built on the property on a nearby corner lot.

6. Leonard Williams, owner of Lot 15 (see Exhibit 2), testified that he supported the request.

7. The Town of Fairmount Heights approved the request (Exhibit 14).

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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1923, the house being built many years ago, the existing conditions on the property, the narrowness and dimensions of the property, the need for additional living space, the proposed construction meeting all setback requirements, 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, by majority vote, Mr. Scott absent, that a variance of 7% net lot coverage in order to validate existing conditions and construct a one-story addition and deck on the property located at Lots 16-18, Block A, Sylvan Vista Subdivision, being 1111 61st Avenue, Fairmount Height, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved revised elevation plans, Exhibit 13(a)-(d).

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.