

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-18-16 Doris Gean

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 27, 2016.

CERTIFICATE OF SERVICE

This is to certify that on May 11, 2016, 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
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of Riverdale Park

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

Petitioner: Doris Gean

Appeal No.: V-18-16

Subject Property: Lot 9, Block 42, Riverdale Park Subdivision, being 4802 Riverdale Road, Riverdale, Prince George's County, Maryland

Municipality: Town of Riverdale Park

Witness: Sergio Figueroa, Petitioner's husband

Heard: April 13, 2016; Decided: April 27, 2016

Board Members Present and Voting: 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 lot shall have a front yard at least 25 feet in depth 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 construct a covered front porch. Variances of 8 feet front yard depth and .8% net lot coverage are requested.

Evidence Presented

1. The property was subdivided prior to 1907, contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1930. Exh. 8.

2. Petitioner would like to construct an 8' x 12' covered front porch, but variances are needed in order to obtain a building permit. Since the porch would be located only 17 feet from the front street line, a variance of 8 feet front yard depth was requested. Exh. 14.

3. In addition, since construction of the covered porch will cause the allowed amount of net lot coverage (30%) to be exceeded by development on the property, a variance of .8% net lot coverage was also requested. Exhs. 13 and 14.

4. The Board granted a front yard setback variance for construction of a covered front porch on the subject property in 2000 (Appeal No. V-92-00). Exh. 6.

5. Petitioner's husband, Sergio Figueroa, testified that the subject property is rental property owned by Petitioner since 2005. He stated the porch was improperly constructed because of the misplacement of bricks and as a result the roof began to fail, opening up the porch to exposure to the elements. *See* Exhs. 5(A) thru (C).

6. The Town of Riverdale Park supported the request. Exh. 21.

7. The Historic Preservation Section of M-NCPPC commented that the subject property is located within the National Register Riverdale Park Historic District (NRHD 68-004-00), adjacent to Riversdale (Historic Site 68-004-95) and that the variance request will have no effect on Historic Sites, Historic Resources or Historic Districts. 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 prior to 1907, the house being built in 1930, the existing porch being in disrepair and needing to be replaced, the same variance having been previously approved by the Board for construction of a front porch, 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, Chairperson Mack absent, that variances of 8 feet front yard depth and .8% net lot coverage in order to construct an 8' x 12' covered front porch on the property located at Lot 9, Block 42, Riverdale Park Subdivision, being 4802 Riverdale Road, 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, Exhibits 3(a) and (b).

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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.