

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-26-16 Olga and Jose Fuentes

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: May 11, 2016.

CERTIFICATE OF SERVICE

This is to certify that on June 7, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Town of Bladensburg
Other Interested Parties

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

Petitioners: Olga and Jose Fuentes

Appeal No.: V-26-16

Subject Property: Lot 12, Block G, Washington Suburban Homes Subdivision, being 5422 Taylor Street, Bladensburg, Prince George's County, Maryland

Municipality: Town of Bladensburg

Witness: Olga Bonilla, daughter of Petitioners

Heard and Decided: May 11, 2016

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 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, Petitioners request that the Board approve a variance 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. Petitioners propose to validate and obtain a building permit to complete construction of a covered front porch. A variance of 5 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1943, contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing single-family dwelling was built in 1941. Exh. 8.

2. On April 6, 2016, the Town of Bladensburg issued a stop work order to Petitioners for construction without a building permit. Exh. 6.

3. Petitioners would like to obtain a building permit to complete construction of a 5.5' x 11.5' covered front porch (Exh. 2), but a variance is needed. Since the porch is located 20 feet from the front street line, a variance of 5 feet front yard depth was requested. Exh. 12.

4. Olga Bonilla testified that the porch is being built because water damage was causing the area next to the front door to rot. She explained that the porch will be open and only consist of a roof and supports.

5. The Town of Bladensburg had no objection to the variance request. Exh. 15.

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 house being built many years ago, water damage causing the area next to the front door to rot, the porch roof providing protection from the elements, 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 a variance of 5 feet front yard depth in order to validate and obtain a building permit to complete construction of a 5.5' x 11.5' covered front porch on the property located at Lot 12, Block G, Washington Suburban Homes Subdivision, being 5422 Taylor Street, Bladensburg, 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 plan, Exhibit 19.

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.