

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-67-16 Hector and Norma Avila

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: July 27, 2016 .

**CERTIFICATE OF SERVICE**

This is to certify that on August 4, 2015 , 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  
Mark Maier, Spanish Language Interpreter

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

Petitioners: Hector and Norma Avila

Appeal No.: V-67-16

Subject Property: Lot 6A, Block 8, Hynesboro Park Subdivision, being 9211 5th Street, Lanham,  
Prince George's County, Maryland

Spanish Language Interpreter: Mark Maier

Heard and Decided: July 27, 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 construct a second-story addition and covered front porch. A variance of 6 feet front yard depth is requested.

**Evidence Presented**

1. The property was subdivided in 1958, contains 9,606 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1961. Exh. 7.
2. The property is a long and narrow lot, being 192 feet deep but only 50 feet wide. Exhs. 2 and 4.
3. Petitioners would like to construct a 27.1' x 36.4' / 16' x 18.5' second-floor addition and 6' x 24' covered front porch (Exh. 2), but a variance is required in order to obtain a building permit. Since the covered front porch would be located only 19 feet from the front street line, a variance of 6 feet front yard depth was requested. Exh. 12.
4. Petitioner Hector Avila testified that the property was purchased in April 2016. He explained that the house is too small; they would like to construct a second floor to provide more room to accommodate their two children.
5. He stated that they would also like to construct a covered front porch which would not extend any farther forward of the house than the steps on the existing porch (6 feet).
6. He stated that there are other two-story houses on other streets in the neighborhood.
7. Petitioner Norma Avila testified that there are also other similar porches in their community. She noted that the exterior of the addition will have vinyl siding.

**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 narrowness of the property, the existing dwelling being built many years ago, the small size of the dwelling, the need for additional living space, the proposed porch structure not extending farther forward than the steps on the existing 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 6 feet front yard depth in order to construct a 27.1' x 36.4' / 16' x 18.5' second-floor addition and 6' x 24' covered front porch on the property located at Lot 6A, Block 8, Hynesboro Park Subdivision, being 9211 5th Street, Lanham, 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 elevation plans, Exhibits 3(a) and (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.