

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-96-16 Somsakdi and Duanpen Thoedkiert

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: September 28, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on October 24, 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 Landover Hills

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

Petitioners: Somsakdi and Duanpen Thoedkiert

Appeal No.: V-96-16

Subject Property: Lot 2, Block Z, Green Hill Section, Landover Hills Subdivision, being 3910 70th Avenue, Landover Hills, Prince George's County, Maryland

Witness: Chi Thoedkiert, Petitioners' son

Municipality: Town of Landover Hills

Heard and Decided: September 28, 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), 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 for a new covered front porch. A variance of 6.1 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1946, contains 7,200 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1955. Exh. 7.
2. Petitioners would like to obtain a building permit for an existing 6.1' x 18.6' covered front porch, but a variance is needed. Since the porch is located 19 feet from the front street line, a variance of 6.1 feet front yard depth was requested. Exh. 11.
3. Petitioner Duanpen Thoedkiert testified that she has lived at the property for 30 years and the old open porch needed replacing. She stated that she decided to put up the new covered porch after she slipped on snow and fell.
4. She stated that almost all of the houses along 70th Avenue have a covered porch. *See* Exhs. 9(A) and (B).
5. Chi Thoedkiert testified that someone from "Code Enforcement" stopped by and asked to see a permit, but did not issue a citation.
6. The Town of Landover Hills has no objection to the request. Exh. 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 covered porch replacing an old porch, the need for a covered area at the entrance of the house for protection from the weather, 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 6.1 feet front yard depth in order to validate and obtain a building permit for a new 6.1' x 18.6' covered front porch on the property located at Lot 2, Block Z, Green Hill Section, Landover Hills Subdivision, being 3910 70th Avenue, Landover Hills, 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 plan, Exhibit 3.

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.