

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-103-16 Edgar and Ana Valladares

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 November 2, 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
Other Interested Parties

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

Petitioners: Edgar and Ana Valladares

Appeal No.: V-103-16

Subject Property: Lot 8, Block B, Templeton Knolls Subdivision, being 5601 59th Avenue, Riverdale,
Prince George's County, Maryland

Witness: Leslie Belton, neighbor

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 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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV), which prescribes that each lot shall have a side yard at least 9 feet in width, 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. Petitioners propose to validate existing conditions and obtain a building permit for a new carport attached to a semi-detached single-family dwelling. Variances of 8 feet side yard width and 9.8% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1950, contains 3,510 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling, attached carport, driveway and shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1951. Exh. 8.

2. The property is a long and narrow lot, being 117 feet deep and only 30 feet wide. Exh. 2.

3. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 26855-2016-0 dated May 4, 2016, requiring that Petitioners obtain the required permit(s) for work done at the property, including but not limited to a new carport, or remove the work. Exh. 6.

4. Petitioners would like to obtain a building permit for a new 11' x 31.7' attached carport, but variances are needed. Since the carport is located 1 foot from the side lot line, a variance of 8 feet side yard width was requested. Exh. 13.

5. In addition, since the allowed amount of net lot coverage (30%) is exceeded by existing development on the property, a variance of 9.8% net lot coverage was also requested. Exhs. 12 and 13.

6. Petitioner Ana Valladares testified that the front door is on the side of the house (next to the driveway) and the carport was built (over the driveway). She stated that the carport provides protection from the weather. Exhs. 5(A) and (B).

7. She stated that the driveway existed when the subject property was purchased. She testified that many properties in the neighborhood have carports.

8. Leslie Belton, owner of the abutting duplex, testified that she was not opposed to the construction of a carport, but found Petitioners' carport unattractive.

9. The Historic Preservation Section of M-NCPPC commented that the subject property is located within 500 feet of the Browning-Baines House (Historic Site 69-019) and that the variance request will have no effect on Historic Sites, Historic Resources or Historic Districts. Exh. 17.

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 narrowness of the property, the main door of the house being on the side of the dwelling, said door opening directly onto the driveway, the carport having been built over the driveway area next to the door, the carport also providing protection from the weather when entering the main door, 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 variances of 8 feet side yard width and 9.8% net lot coverage in order to validate existing conditions and obtain a building permit for a new 11' x 31.7' carport attached to a semi-detached single-family dwelling on the property located at Lot 8, Block B, Templeton Knolls Subdivision, being 5601 59th Avenue, 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 plan, Exhibits 3(a) thru (c).

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.