

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-105-16 Cecilia Vasquez

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: October 5, 2016 .

**CERTIFICATE OF SERVICE**

This is to certify that on October 25, 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

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

Petitioner: Cecilia Vasquez

Appeal No.: V-105-16

Subject Property: Part of Lot 13, Block C, Seabrook Subdivision, being 6201 Seabrook Road, Lanham,  
Prince George's County, Maryland

Spanish Language Interpreter: Miguel Loredó

Heard and Decided: October 5, 2016

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
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 a side yard along the side street at least 25 feet in depth. Petitioner proposes to validate existing conditions and reconstruct the existing covered front porch. Variances of 6 feet front yard depth and 6 feet side street yard depth are requested.

**Evidence Presented**

1. The property contains 12,000 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 10, 11. The existing dwelling was built in 1937. Exh. 10.

2. The property is a corner lot with the dwelling facing the legal side street. Exh. 2.

3. The lot from which the property was created was subdivided in 1930 (Exh. 4), but the subject property was created in its current configuration at a later date.

4. Petitioner would like to rebuild the existing 6' x 32.2' covered front porch, but variances are needed to obtain a building permit. Since the front porch being rebuilt is located 19 feet from the side street line, a variance of 6 feet side street yard depth was requested. Exh. 14.

5. In addition, since an existing enclosed stoop is located only 19 feet from the front street line, a variance of 6 feet front yard depth was also requested to validate this existing condition. Exh. 14.

6. Petitioner testified that she has lived at the property for 14 years. She stated that the existing front porch is falling apart. She explained that the rebuilt porch will be the same length and width of the existing porch and the only change will be the height due to removal of the arches that block the view. *Compare* Exh. 3 *with* Exhs. 7(A) and (B). She further stated that the shed shown on the site plan has been removed. Exh 2.

7. She confirmed that the patio will not be used for parking.

8. She stated that other houses in the neighborhood have covered front porches, including the house next door. Exhs. 8(A) and (B).

9. The Subdivision Section of The Maryland-National Capital Park and Planning Commission reviewed the request and commented that the site plan submitted (Exh. 2) correctly reflects the lot as described in the deed recorded on August 31, 1954 in Liber 1765 at folio 166 for the southerly 2/3 (120) feet of Lot 13, Block C in Seabrook Subdivision, and although this deed may not represent the original deed dividing the northerly 1/3 and southerly 2/3 of Lot 13, it is sufficient evidence to conclude that the property was legally subdivided pursuant to Prince George's County Code Section 24-107(c)(7)(A). Exh. 19.

#### 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 created many years ago, the property being a corner lot with the house facing the legal side street, the existing front porch and an enclosed stoop not meeting current street setback requirements, the existing covered front porch being in poor condition and needing reconstruction, the footprint of the new porch being the same as the old 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, Vice Chairman Scott absent, that variances of 6 feet front yard depth and 6 feet side street yard depth in order to validate existing conditions and reconstruct the existing 6' x 32.2' covered front porch on the property located at Part of Lot 13, Block C, Seabrook Subdivision, being 6201 Seabrook Road, Lanham, 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, 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.