

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-111-16 Roberto and Nubia Palma

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 31, 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

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

Petitioners: Roberto and Nubia Palma

Appeal No.: V-111-16

Subject Property: Lots 6 & 7, Block 22, Riverdale Heights Subdivision, being 6004 Somerset Road,
Riverdale, Prince George's County, Maryland

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, Petitioners request that the Board approve variances from Section 27-442(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(d) (Table III), which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line; Section 27-442(e)(Table IV), which prescribes that each lot shall have a side yard at least 5 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 construct an addition. Variances of 1,000 square feet net lot area, 10 feet front building line width, 1 foot side yard width and 13.1% net lot coverage are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property consists of two lots subdivided in 1919, contains 4,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a one-story single-family dwelling with basement, driveway and shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1973. Exh. 8.
2. The property is long and narrow, being 100 feet long and 40 feet wide. Exh. 2.
3. Petitioners would like to construct a 16' x 30' second-story addition on the rear of the dwelling (Exh. 2), but variances are needed to obtain a building permit. Since the existing dwelling is located 4 feet from the left side lot line, and the addition would follow the side lines of the dwelling, a variance of 1 foot side yard width was requested. Exh. 13.
4. Variances are also needed to validate the lot size and lot width along the front building line which do not meet current minimum requirements. Variances of 1,000 square feet net lot area and 10 feet front building line width were requested to validate these existing conditions. Exh. 13.
5. In addition, since the allowed amount of net lot coverage (30%) is exceeded by existing development on the property and construction of the addition would cause further overage, a variance of 13.1% net lot coverage was also requested. Exhs. 12 and 13.
6. Petitioner Roberto Palma testified that he has lived at the property for 12 years, his family is growing and he needs more living space. He is proposing to build an addition cross the entire width of the

house on the rear for two more bedrooms. He stated that an existing elevated deck off of the main floor of the house will be removed and replaced with the proposed addition. *See* Exhs. 3 and 5(B).

7. He further testified that the house has a walk-out basement that has a door accessing the rear yard and a ground level deck. He explained that the height of the house will not change and the exterior of the proposed addition will be siding. Exhs. 3(a) and (b).

8. He stated that a house across the street (Somerset Road) has an addition on the rear.

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 subdivided in 1919, the narrowness of the property, existing conditions on the property, the need for additional living space, the lot size and width needing validation in order to obtain a building permit, 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, by majority vote, Vice Chairman Scott absent, that variances of 1,000 square feet net lot area, 10 feet front building line width, 1 foot side yard width and 13.1% net lot coverage in order to validate existing conditions and construct a 16' x 30' second-story addition on the property located at Lots 6 & 7, Block 22, Riverdale Heights Subdivision, being 6004 Somerset Road, 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 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.