

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-141-16 Ruth Ramos Perez

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: November 30, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on December 13, 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
Town of Landover Hills

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

Petitioner: Ruth Ramos Perez

Appeal No.: V-141-16

Subject Property: Lot 4, Block G, Landover Hills Subdivision, being 4412 Webster Court, Hyattsville,
Prince George's County, Maryland

Witness: Edgar Arguath, Petitioner's husband

Spanish Language Interpreter: Daniel Valdez (Project Designer)

Heard and Decided: November 30, 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, Petitioner requests 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. Petitioner proposes to construct a covered front porch with landing and steps. A variance of 7.5 feet front yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1940, contains 7,400 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 property is an odd-shaped lot located on cul-de-sac. Exhs. 2 and 4.
2. Petitioner would like to construct a 9.6' x 28.6' covered front porch including landing and steps (Exhs. 2, 3(A) thru (B)), but a variance is needed to obtain a building permit. Because the porch will be located 17.5 feet from the front street line, a variance of 7.5 feet front yard depth was requested. Exh. 11.
3. Petitioner Ruth Perez testified that other houses in the neighborhood have covered front porches so the proposed construction would not be out of character. Exhs. 9(A) thru (F).
4. Petitioner stated that she spoke with a few neighbors who had no concerns about the proposal.
5. Petitioner explained that because the living room is quite small the porch is often used, except in extreme weather conditions. Exhs. 5(A) and (B).
6. The Town of Landover Hills has no objection to the proposal. Exh. 15.

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 unusual shape of the property, the property being located on a cul-de-sac, the minimal square footage of the home necessitating use of the porch area 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, unanimously, that a variance of 7.5 feet front yard depth in order to construct a 9.6' x 28.6' covered front porch with landing and steps on the property located at Lot 4, Block G, Landover Hills Subdivision, being 4412 Webster Court, Hyattsville, 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.