

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-20-17 Justin Brock

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: March 22, 2017.

CERTIFICATE OF SERVICE

This is to certify that on March 30, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
Acting Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPCC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Hyattsville

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

Petitioner: Justin Brock

Appeal No.: V-20-17

Subject Property: Lot 34, Block C1, Re-subdivision of George B. Furmans Addition Subdivision, being
4915 42nd Place, Hyattsville, Prince George's County, Maryland

Witness: Kyleen Hashim, Spouse

Heard and Decided: March 22, 2017

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 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, Petitioner requests that the Board approve a variance 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. Petitioner proposes to validate and renovate an existing covered front porch. A variance of 10.5 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1925, contains 5,261 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is located within the Gateway Arts District Development Overlay Zone. Exhibits (Exhs.) 2, 3, 4, 5(A) thru (C) and 9.

2. Petitioner would like to renovate the existing 7.5' x 26.4' covered front porch. The porch is located 14.5 feet from the front street line. A variance of 10.5 feet front yard depth was requested. Exhs. 2 and 14.

3. Petitioner Justin Brock testified that he and his wife would like to rebuild the existing front porch on their 1920 bungalow which they purchased 4 years ago. He testified that the porch was not rebuilt "to code." He stated that the porch is sinking and the columns are not properly supporting the roof. He opined that the roof could potentially collapse. Exhs. 2, 5 (A) thru (C).

4. Petitioner further explained that the porch foundation was not built into the ground but instead on top of the ground which is causing it to now sink. Exhs. 2, 5 (A) thru (C).

5. Petitioner believed that the house and porch was built over 100 years ago. See also Exh 9.

6. Kyleen Hashim stated the original footprint of the front porch will not be changed with the proposed renovation. Exhs. 2, 3, 5 (A) thru (C).

7. The Subdivision Section of M-NCPPC stated if the Board of Appeals granted the requested variances for the proposed covered porch, the applicant should be required to submit a minor final plat of subdivision (pursuant to Section 24-108 of the Subdivision Regulations) to have the existing BRL removed prior to building permit. A minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park & Planning Commission. Exh. 18.

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 dwelling being over 100 years old, the current safety concerns and structural integrity of the existing 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, Mr. Scott absent, that a variance of 10.5 feet front yard depth in order to validate and renovate an existing 7.5' x 26.4' covered front porch on the property located at Lot 34, Block C1, Re-subdivision of George B. Furmans Addition Subdivision, being 4915 42nd Place, 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 approved elevation plan, Exhibit 3.

The Board notes that the Petitioner must obtain a minor final plat of subdivision (pursuant to Section 24-108 of the Subdivision Regulations) to have the existing BRL removed, prior to obtaining a building permit.

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.