

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-27-17 Jose Henriquez

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: April 12, 2017.

CERTIFICATE OF SERVICE

This is to certify that on April 19, 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
DPIE/Inspections Division
Mark Maier, Spanish Language Interpreter

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

Petitioner: Jose Henriquez

Appeal No.: V-27-17

Subject Property: Lots 37 & 38, Block 3, Riverdale Heights Subdivision being 6118 58th Avenue,
Riverdale, Prince George's County, Maryland

Witness: Cesar Umana, Contractor, Designer

Heard and Decided: April 12, 2017

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 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 corner 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; 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. Petitioner proposes to validate existing conditions and obtain a building permit for a new one-story addition. Variances of 1,000 square feet net lot area, 10 feet front building line width, 14 feet front yard depth, 19 feet side street yard depth and 3.9% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1919, contains 4,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway.
2. Petitioner would like to obtain a building permit for a 6.7' x 10.4' one-story addition. The addition is located 11 feet from the front street line and 6 feet from the side street line. Variances of 14 feet front yard depth and 19 feet side street yard depth were requested.
3. The lot size and lot width at the front building line do not meet the current minimum requirements and the existing development on the property exceeds the amount of lot coverage allowed. Variances of 1,000 square feet net lot area, 10 feet front building line width and 3.9% net lot coverage were requested.
4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Violation Notice No. 18840-16-1, dated July 17, 2016, requiring Petitioner to obtain the required permit(s) for work done or remove. Work includes but not limited to enclosing a front porch.
5. Contractor Cesar Umana testified that the front porch was built when the house was initially constructed in 1927 and does not meet current standards for setbacks, lot width, net lot area and lot coverage for property zoned R-55.

6. He further testified that the addition was constructed by enclosing a portion of the covered porch to provide interior living space.

7. He believed that if the porch and addition were removed for failure to satisfy the front building setback, the integrity of the structure of the existing roof would be weakened.

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 constructed in 1927, the property not meeting current building and lot standards, removal of the addition and front porch which would weaken the integrity of the roof, 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 variances of 1,000 square feet net lot area, 10 feet front building line width, 14 feet front yard depth, 19 feet side street yard depth and 3.9% net lot coverage in order to validate existing conditions and obtain a building permit for a new 6.7' x 10.4' one-story addition on the property located at Lots 37 & 38, Block 3, Riverdale Heights Subdivision being 6118 58th 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 approved elevation plans, 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.