

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-46-17 Fabian and Ana Torres

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: June 7, 2017.

CERTIFICATE OF SERVICE

This is to certify that on June 21, 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: Petitioners
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

Petitioners: Fabian and Ana Torres

Appeal No.: V-46-17

Subject Property: Lot 6, Block 19, Seabrook Park Estates Subdivision, being 9218 Alcona Street, Lanham,
Prince George's County, Maryland

Spanish Language Interpreter: Mark Maier

Heard and Decided: June 7, 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, Petitioners request that the Board approve variances from Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any rear lot line. Petitioners propose to validate existing conditions and obtain a building permit for a two-story addition and shed. Variances of 13.7% net lot coverage and 1 foot rear lot line setback for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1963, contains 7,260 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3, 4, 9 and 11 (A) thru (F).

2. Petitioners would like to obtain a building permit to complete construction of a 17' x 30' two-story addition on the rear of the existing dwelling and for a 12' x 24' shed. Since the existing development exceeds lot coverage requirements, the new construction further increases coverage, a variance of 13.7% net lot coverage was requested. Exhs. 2, 3, 5 (A) thru (G), 6 and 11 (A) thru (F) and 13.

3. The lot is slanted in the rear decreasing area lot size and an L-shaped driveway extending in the rear of the house significantly impacts lot coverage. Exhs. 2 and 4.

4. The shed, which is 1 foot from the rear lot line at the closest point, requires a variance of 1 foot rear lot line setback before a permit can be obtained. Exhs. 2, 6 and 11 (A) thru (F) and 13.

5. In March 2017, the Department of Permitting, Inspections and Enforcement, Inspections Division posted a Stop Work Order on the subject property. Exh. 7.

6. Petitioner Fabian Torres testified that construction of the 2-story addition had begun without permits when he received the Stop Work Order. Exh. 7.

7. He testified that the dwelling has only two bedrooms for a family of six members and the addition would be used to accommodate his family needs. Exh. 2 and 5 (A) thru (G), 11 (A) thru (F).

8. He also stated the roof line of the addition will be equal in height to the existing dwelling. Exhs. 2 and 3.

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the shape of the rear of the lot, the need for additional living space 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, unanimously, that variances of 13.7% net lot coverage and 1 foot rear lot line setback for an accessory building to validate existing conditions and obtain a building permit for a 17' x 30' two-story addition and 12' x 24' shed on the property located at Lot 6, Block 19, Seabrook Park Estates Subdivision, being 9218 Alcona Street, 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 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.