

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-66-17 Emmanuel Ruben Iglesias

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: July 12, 2017.

CERTIFICATE OF SERVICE

This is to certify that on July 20, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Xia Iglesias, Spanish Language Interpreter

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

Petitioner: Emmanuel Ruben Iglesias

Appeal No.: V-66-17

Subject Property: Lots 8 thru 11, Block A, Sansbury Park Subdivision, being 3005 Kirtland Avenue, District Heights, Prince George's County, Maryland

Spanish Language Interpreter: Xia Iglesias

Witness: Beverly L. Johnson, Neighbor

Heard and Decided: July 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 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 an existing condition and construct a second-floor addition. A variance of 12 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1924, contains 7,575 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 4, 7, and 9 (A) thru (F).

2. The lot is slant-shaped in the rear and the dwelling is located closer to the front of the lot. Exh 2.

3. Petitioner testified that the house is one level, inhabitable and has been abandoned for a long time. Petitioner would like to improve the house by adding the proposed 24.2' x 32.2' second-floor addition. Exhs. 2, 3 (a) thru (b) and 5. He testified that the second level is desired because the first level is very small. Exhs. 2, 3 (a) thru (b), 5 and 9 (A) thru (F).

4. Mr. Iglesias further stated that several houses in the area have second floors. Exhs. 9 (A) thru (F).

5. The covered front porch is located 13 feet from the front street line. A variance of 12 feet front yard depth was requested to validate the existing structure. Exhs. 2, 3 (a) thru (c) and 9 (A) and (F).

6. The Petitioner explained that the front porch will remain the same, but will be reinforced to support the walk out upper porch. The two doors on the upper level lead out from the new bedrooms. Exhs. 2 and 3 (a) thru (b).

7. Ms. Johnson testified that she lives across the street at 3004 Kirtland Avenue and the only other neighborhood house that has a second floor is at 3010 Kirtland Avenue.

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 lot being odd shaped in the rear influencing the dwelling to be located closer to the front line, the house being abandoned for a long period and currently inhabitable, the need to provide additional living area to a very small house, 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 12 feet front yard depth to validate an existing condition and construct a 24.2' x 32.2' second-floor addition on the property located at Lots 8 thru 11, Block A, Sansbury Park Subdivision, being 3005 Kirtland Avenue, District Heights, 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 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.