

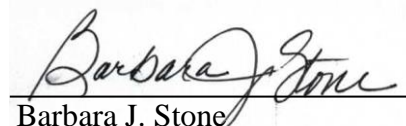
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-38-17 Santos Reyes

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 August 23, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Acting Administrator

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

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

Petitioner: Santos Reyes

Appeal No.: V-38-17

Subject Property: Lot 31, Block A, Burgess' Addition to Crosier Gardens Subdivision, being 2610 Fort Drive, Suitland, Prince George's County, Maryland

Spanish Language Interpreter Service: Ernesto Luna

Witness: Angeleci Fuentes

Heard: May 24, 2017; 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, Petitioner requests that the Board approve variances 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; 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; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side lot line and generally be located only in the rear yard. Petitioner proposes to validate existing conditions and construct a covered deck. Variances of 2 feet front yard depth for the dwelling, 6.6% net lot coverage and variances of 35 feet front lot line setback, .5-foot side lot line setback and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1955, contains 7,386 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, detached carport and shed. Exhibits (Exhs.) 2, 3 (a) thru (b), 4 and 20.

2. Petitioner would like to construct a 14' x 20' covered deck on the rear of the existing dwelling. As the existing development exceeds the amount of lot coverage allowed, and construction of the covered deck would be further overage, a variance of 6.6% net lot coverage was requested. Exhs. 2, 3 (a) thru (b), 14 and 20.

3. The existing dwelling is located 23 feet from the front street line, at the closest point, and the existing detached carport is located 25 feet from the front street line, 1.5 feet from the side street line and is in the side yard. A variance of 2 feet front yard depth for the dwelling and variances of 35 feet front lot line setback, .5-foot side lot line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exhs. 2, 3 (a) thru (b), 14 and 20.

4. Petitioner would like to build a new covered deck. The existing stairs out of the dwelling will be removed. Exhs. 2, 3 (a) thru (b), 5 (A) thru (E) and 20.

5. Petitioner testified that an addition, carport, and shed, which affected net lot coverage, pre-existed. Exhs. 2, 3 (a) thru (b), 5 (A) thru (E) and 20.

6. The driveway extends almost the length of the lot to the shed in the rear. Exhs. 2, 5 (A) thru (E) and 10 (A) thru (F).

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 pre-existing location of the development on the property, the unusual length of the driveway 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 2 feet front yard depth for the dwelling, 6.6% net lot coverage and variances of 35 feet front lot line setback, .5 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building in order to validate existing conditions and construct a 14' x 20' covered deck on the property located at Lot 31, Block A, Burgess' Addition to Crosier Gardens Subdivision, being 2610 Fort Drive, Suitland, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 20 and approved elevation plans, Exhibits 3 (a) thru (b).

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.