

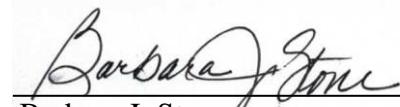
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-97-17 Edgar and Ana Valladares

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: September 13, 2017.

CERTIFICATE OF SERVICE

This is to certify that on September 25, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

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

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

Petitioners: Edgar and Ana Valladares

Appeal No.: V-97-17

Subject Property: Lot 8, Block B, Templeton Knolls Subdivision, being 5601 59th Avenue, Riverdale,
Prince George's County, Maryland

Heard and Decided: September 13, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 9 feet in width 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. Petitioners propose to construct a one-story addition and obtain a building permit for an attached carport to a semi-detached dwelling. Variances of 8 feet side yard width and 9.5% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1950, contains 3,510 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling, attached carport, driveway and shed. The lot is long and narrow being 117 feet deep and 30 feet in width. Exhibits (Exhs.) 2, 4, 9, and 11 (A) thru (F).

2. Petitioners would like to construct an 11' x 15' one-story addition on the rear of the existing dwelling and reduce the size of the attached carport (from 11' x 31.7' to 11' x 16'), which is located 1 foot from the side lot line. Although the proposed development exceeds the lot coverage requirement by less than previously approved, construction of the addition is additional coverage not considered at that time.

Variances of 8 feet side yard width and 9.5% net lot coverage are requested. Exhs. 2, 3, 5, 23 and 24.

3. The Board approved side yard and lot coverage variances in 2016 (Appeal No. V-103-16) to validate and obtain a building permit for an attached carport. Exh. 6.

4. Petitioner Ana Valladares testified that under Appeal No. V-103-16 a variance was granted for a carport but the concomitant building permit was not approved because of the material selected to be used. She stated that thus, petitioners decided to revised the project by making the carport smaller and adding the proposed addition to the rear of the existing dwelling. Exhs. 2, 3 23, and 24.

5. She offered that the carport was reduced in size to minimize the net lot coverage for the subject property. 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the property, the need for additional living space, the prior approval of V-103-16 for a similarly located carport 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 8 feet side yard width and 9.5% net lot coverage to construct an 11' x 15' one-story addition and obtain a building permit for an 11' x 16' attached carport to a semi-detached dwelling on the property located at Lot 8, Block B, Templeton Knolls Subdivision, being 5601 59th 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 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.