

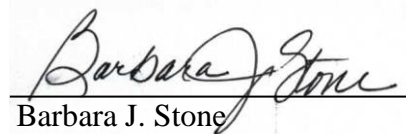
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-99-17 Erin Fitch and Stacey Gaines

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

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

Petitioners: Erin Fitch and Stacey Gaines

Appeal No.: V-99-17

Subject Property: Lot 1, Block F, Templeton Knolls Subdivision, being 6000 Madison Street, 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 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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth. Petitioners propose to construct a covered front porch on a semi-detached dwelling. A variance of 6 feet side street yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 3,873 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling. The property is a corner lot with the dwelling facing the legal side street. Exhibits (Exhs.) 2, 4, 7, and 9 (A) thru (F). The dwelling was built in 1951. Exh. 7.

2. Petitioners would like to construct an 8.33' x 27.75' covered front porch. The porch would be located 19 feet from the side street line. A variance of 6 feet side street yard depth was requested. Exhs. 2, 3 and 5 (A) thru (B)

3. Petitioner Erin Fitch testified that the subject property is a corner lot with the front door of the dwelling faces the legal side yard on 60th street (on the west side) where full direct sun is received into the home. Exhs. 2, 4 and 9 (A) thru (F).

4. Ms. Fitch stated that there will be upgrading to a tank-less water heater and high efficiency air conditioner and furnace. She also stated that the new front porch shading the west portion of the house will contribute to the dwelling becoming overall more (cooling) efficient. Exhs. 2, 3 and 9 (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 lot being a corner lot, the front of the house facing west in full direct sun, the age of the house, the need for making the dwelling more cooling efficient 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, Anastasia Johnson absent, that a variance of 6 feet from the minimum side street setback requirement to construct an 8.33' x 27.75' covered front porch on a semi-detached dwelling on the property located at Lot 1, Block F, Templeton Knolls Subdivision, being 6000 Madison Street, Riverdale, 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 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.