

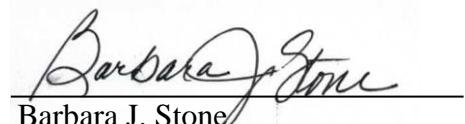
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-105-17 Javier Mazariegos

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 27, 2017.

CERTIFICATE OF SERVICE

This is to certify that on October 24, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division

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

Petitioner: Javier Mazariegos

Appeal No.: V-105-17

Subject Property: Lot 13, Block H, Ritchie Manor Subdivision, being 1300 Alberta Drive, District Heights,
Prince George's County, Maryland

Heard: September 13, 2017; Decided: September 27, 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 and obtain a building permit to complete construction of a covered front stoop. A variance of 6 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1961, contains 7,914 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is a corner lot with the dwelling facing the legal front street. The property is located within the Military Installation Overlay Zone. Exhibits (Exhs.) 2, 4, 11 and 13 (A) thru (F).

2. Petitioner would like to complete construction of a 6' x 8' covered front stoop. The stoop is located 19 feet from the front street line. A variance of 6 feet front yard depth was requested. Exhs. 2 and 21 (a) thru (b).

3. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a Building Violation Notice (*No. 33985-2017-0 per Permit History*) dated June 5, 2017, requiring Petitioner to obtain the required permit(s) for work done or remove the same. Work includes but not limited to a rear deck, front porch, driveway extension, new HVAC and complete interior renovation. On July 5, 2017, a Correction Order, as well as a door tag, was left on the property requiring Petitioner to obtain a building permit for interior renovation, rear deck, front porch and driveway. Exhs. 6 and 7.

4. Petitioner Javier Mazariegos testified he would like to construct the porch to provide cover from the weather.

5. Mr. Mazariegos also stated that the portico will help the esthetics of the house as well as provide needed cover at the porch. Exhs. 2 and 21 (a) thru (b).

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 need for cover from the weather when entering the home 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 6 feet front yard depth to validate and obtain a building permit to complete construction of a 6' x 8' covered front stoop on the property located at Lot 13, Block H, Ritchie Manor Subdivision, being 1300 Alberta Drive, 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 21 (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.