

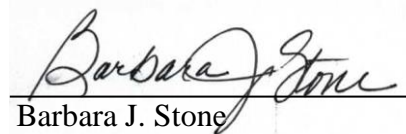
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-111-17 Jose and Francisca Martinez

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: October 11, 2017.

CERTIFICATE OF SERVICE

This is to certify that on October 31, 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: Jose and Francisca Martinez

Appeal No.: V-111-17

Subject Property: Lot 3, Block DD, South-Lawn Subdivision, being 1205 Wentworth Drive, Oxon Hill,
Prince George's County, Maryland

Spanish Language Interpreter Service: Ernesto Luna

Heard and Decided: October 11, 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(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 validate an existing condition and obtain a building permit to complete construction of a one-story addition. A variance of 10% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1955, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 4, 9 and 11 (A) thru (F).

2. Petitioner would like to complete construction of a 14.6' x 34.8' one-story addition on the rear of the existing dwelling. As the existing development exceeds the amount of lot coverage allowed and construction of the addition is further overage, a variance of 10% net lot coverage was requested. Exhs. 2, 3(a) thru (c) and 5 (A) thru (D).

3. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 31477-17-0, dated July 3, 2017, requiring Petitioners to obtain the required permit(s) for work done or remove the same. Work includes but not limited to adding a rear addition and new HVAC. Exh. 6.

4. Petitioner Jose Martinez testified that they would like to complete a one-story addition towards the rear of the house. The addition will consist of 2 bedrooms and dining area. This work has begun but has not been completed. Work was begun without a building permit. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (D).

5. Petitioner further testified that the contractor advised them not to get a permit, then the addition will not be assessed. Since the violation, the contractor is gone. They need to get the permit then complete the work. He further stated that he would lose resources if they cannot complete the work.

6. Mr. Martinez explained that the roof line will be consistent with the existing roof line. Exhs. 2, 3(a) thru (c).

7. He also stated that several neighbors have additions in his neighborhood so it would not be out of character with the community. Exhs. 11 (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 an exceptional hardship by contractor misrepresentation, the need to resolve current violations 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 a variance of 10% net lot coverage to validate an existing condition and obtain a building permit to complete construction of a 14.6' x 34.8' one-story addition on the property located at Lot 3, Block DD, South-Lawn Subdivision, being 1205 Wentworth Drive, Oxon Hill, 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.