

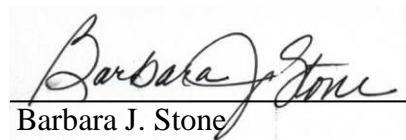
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-115-17 Reginald Martin

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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of Bladensburg

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

Petitioner: Reginald Martin

Appeal No.: V-115-17

Subject Property: Lot 13, Block D, Washington Suburban Home Subdivision, being 5431 Varnum Street,
Bladensburg, Prince George's County, Maryland

Municipality: Town of Bladensburg

Witnesses: Maria Rawlings, Granddaughter
John Jones, Grandson

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 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 and a side yard at least 7 feet in width. Petitioner proposes to validate existing conditions and complete construction of a second-story framed deck with stoop and steps. Variances of 3 feet front yard depth and 7 feet side yard width are requested.

Evidence Presented

1. The property was subdivided in 1946, contains 5,100 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, attached carport and shed. Exhibits (Exhs.) 2, 5, 8 and 10 (A) thru (F).

2. Petitioner would like to complete construction of an 11' x 12' second-story framed deck with 6.3' x 3' stoop and steps. The deck extends to the side lot line and the covered front stoop is located 22 feet from the front street line. Variances of 3 feet front yard depth and 7 feet side yard width are requested. Exhs. 2, 3 (a) thru (b), 4 (a) thru (c) and 6.

3. Petitioner Reginald Martin testified that the Maryland Tax and Assessment Office informed him that the carport was built in 1949 (68 years ago). It is located along the left property line. Exhs. 2, 5, 8, and 10 (A) thru (F).

4. He further testified that the carport was in disrepair and needs to be rebuilt for safety reasons. The carport will be rebuilt with the same footprint, but with the proposed deck built on top of it instead of with a roof. Exhs. 3 (a) thru (b), 4 (a) thru (c) and 6.

5. Town of Bladensburg provided no position on the requested variances. Exh. 16.

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 existing carport built in 1949 being in disrepair, the need to replace the carport for safety purposes, the deck being built on top of the carport having the same footprint 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, by majority vote, Anastasia Johnson absent, that variances of 3 feet front yard depth and 7 feet side yard width to validate existing conditions and complete construction of an 11' x 12' second-story framed deck with 6.3' x 3' stoop and steps on the property located at Lot 13, Block D, Washington Suburban Home Subdivision, being 5431 Varum Street, Bladensburg, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (b) and 4 (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.