

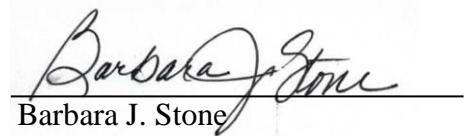
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-122-17 Maria and Samuel Ascencio

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 25, 2017.

CERTIFICATE OF SERVICE

This is to certify that on November 1, 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
Leslie Bilchick, Spanish Language Interpreter

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

Petitioners: Maria and Samuel Ascencio

Appeal No.: V-122-17

Subject Property: Lots 8 & 9, Block N, Riverdale Hills Subdivision, being 6400 63rd Place, Riverdale, Prince George's County, Maryland

Spanish Language Interpreter: Leslie Bilchick

Heard and Decided: October 25, 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 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 corner lot shall have a front yard at least 25 feet in depth, a side yard along the side street at least 25 feet in depth and a side yard at least 7 feet in width; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 10 feet from a rear lot line. Petitioners propose to validate existing conditions and obtain a building permit for a new shed. Variances of 3 feet front yard depth, 5 feet side street yard depth and 2 feet side yard width for the dwelling and 4 feet rear lot line setback for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1925, contains 6,917 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. Exhibits (Exhs.) 2, 4, 9 and 11 (A) thru (F).

2. The subject property is a corner lot, being long and narrow expanding in the rear. The house is 900± square feet and situated to the extreme left of the lot. Exhs. 2, 4 and 11 (A) thru (F).

3. Petitioners would like to obtain a building permit for a new 13.9' x 21.4' shed, which is located 6 feet from the rear lot line. A variance of 4 feet rear lot line setback for an accessory building was requested. Exhs. 2, 3 (a) thru (d).

4. Variances for preexisting conditions for the dwelling are also required. The covered front porch is located 22 feet from the front street line, the side porch is located 20 feet from the right side street line and the deck is located 5 feet from the left side lot line. Variances of 3 feet front yard depth, 5 feet side street yard depth and 2 feet side yard width were requested. Exhs. 2, 5 (A) thru (E).

5. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 31652-2017-0, dated June 21, 2017, "requiring Petitioners to obtain the required permit(s) for work done or remove the same. Work includes but not limited to a large shed." Exhs. 6 and 7.

6. Petitioner Samuel Ascencio testified that that the shed was constructed because more storage area was needed for his family. Exhs. 2, 3 (a) thru (d).

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 that is long and narrow, the small size of the house, the need for additional storage 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, unanimously, that variances of 3 feet front yard depth, 5 feet side street yard depth and 2 feet side yard width for the dwelling and 4 feet rear lot line setback for an accessory building to validate existing conditions and obtain a building permit for a new 13.9' x 21.4' shed on the property located at Lots 8 & 9, Block N, Riverdale Hills Subdivision, being 6400 63rd Place, 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 plans, Exhibits 3 (a) thru (d).

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.