

NOTICE OF FINAL DECISION

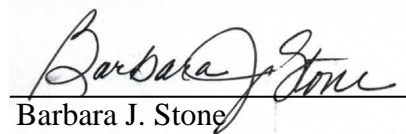
OF BOARD OF APPEALS

RE: Case No. V-5-18 Adam Trejo, Jr. and Lorilee Jiron

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: May 23, 2018.

CERTIFICATE OF SERVICE

This is to certify that on June 1, 2018, 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
Town of Riverdale Park

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

Petitioners: Adam Trejo, Jr. and Lorilee Jiron

Appeal No.: V-5-18

Subject Property: Lot 32, Block 72, Riverdale Park Subdivision, being 5610 Taylor Road, Riverdale,
Prince George's County, Maryland

Municipality: Town of Riverdale Park

Witness: Alex Hirtle, Neighbor

Heard: April 25, 2018; Decided: May 23, 2018

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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking and Section 27-420(a), which prescribes that on a corner lot consisting of one (1) acre or less, fences and walls in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to construct a covered front porch and a 6-foot privacy fence in the front yard of a corner lot. A variance of 2% net lot coverage and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Longfellow Street) are requested.

Evidence Presented

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

1. The property was subdivided in 1962, contains 9,468 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. The property is an odd-shaped corner lot with the dwelling facing the legal front street. Exhibits (Exhs.) 2, 5, 10, 11 and 12 (A) thru (F).

2. Petitioners would like to construct an 8' x 36' covered front porch and a 6-foot privacy fence around the back yard. Construction of the covered porch would exceed the amount of lot coverage allowed and a portion of the fence would be in the yard between the dwelling and the property line abutting the side street. A variance of 2% net lot coverage and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Longfellow Street) were requested. Exhs. 2, 3, 4, 6 (A) thru (C), 7 (A) thru (B) and 14.

3. The Board approved variances for side street and accessory building setbacks to validate the locations of the dwelling and replace the pre-existing driveway.¹ Exh. 8.

¹ See, V-133-17.

4. Petitioner Adam Trejo testified that the front porch is proposed because of structural damage caused by water. He further testified that the front stairway is caving in partially because of water damage. He proposes to add a 6-foot privacy fence, located 45 feet from the intersection, that will surround a swimming pool and hot tub area. Exhs. 2, 3, 4, 6 (A) thru (C) and 7 (A) thru (B).

5. Mr. Alex Hirtle opposed the development because it would increase impervious surfaces in the area that is already subject to runoff issues/flooding that clog street drains. He stated that proposed 6-foot fence, which will not be a chain link fence, would contribute to an "alley effect". He expressed that green space is critical in this area. Exhs. 2, and 12 (A) thru (F).

6. The Town of Riverdale Park recommended approval of the variances requested.

7. Mr. Trejo explained that he purchased the property, which was in bad shape, two years ago and is trying to save the house. He stated he repaved the driveway because of flooding issues in the area for which he has complained to the County (regarding old flooded sewers). Exhs. 2, and 12 (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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being an odd-shaped corner lot with the dwelling facing the legal front street, rain water has caused structural damage, unabated flooding issues in the area affecting the property, 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 a variance of 2% net lot coverage and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Longfellow Street) in order to construct an 8' x 36' covered front porch and a 6-foot privacy fence in the front yard of a corner lot on the property located at Lot 32, Block 72, Riverdale Park Subdivision, being 5610 Taylor Road, Riverdale, Prince George's County, Maryland, be and are 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 and 4.

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.