

NOTICE OF FINAL DECISION

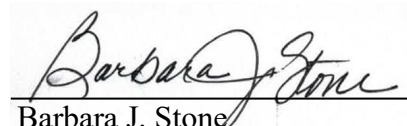
OF BOARD OF APPEALS

RE: Case No. V-10-19 Barbara and Lawrence Legg

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: April 3, 2019 .

CERTIFICATE OF SERVICE

This is to certify that on April 30, 2019 , 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
Park and Planning Commission
Riverdale Park City

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

Petitioners: Barbara and Lawrence Legg

Appeal No.: V-10-19

Subject Property: Lot 27, Block 57, Riverdale Park Subdivision, being 5912 48th Avenue, Riverdale,
Prince George's County, Maryland

Municipality: Town of Riverdale Park

Witness: Charles Harris, Patio Enclosures

Heard and Decided: April 3, 2019

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, Petitioners request 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. Petitioners propose to enclose an existing covered front porch which will encroach the front yard setback. A variance of 5 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1950, contains 7,414 square feet, is zoned R-55 (Single-Family Detached Residential) and is improved with a single-family dwelling, covered front porch, driveway, carport, deck and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. Petitioners would like to enclose an existing covered front porch. Since the front porch encroaches the 25-foot front yard setback, a variance of 5 feet is requested. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (P).
3. The Town of Riverdale Park recommended approval of the requested variance. Exh. 21.
4. Petitioner Barbara Legg testified that the current old awning will be replaced with a screened in sunroom. She stated that she is 83 years old and her husband is 85 and both enjoy the front porch and wish to continue utilizing it. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (P).
5. Charles Harris stated that the existing footprint will remain the same for the construction. He stated that the proposed enclosed structure will allow Petitioners to enjoy the front porch without the worry of disease carrying mosquitoes in the area. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (P).

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 concerns regarding mosquitoes in the area, Petitioners desire to enjoy and utilize their front porch 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 5 feet front yard depth in order to enclose an existing covered porch, on the property located at Lot 27, Block 57, Riverdale Park Subdivision, being 5912 48th Avenue, Riverdale, 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 (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.