

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

Petitioners: Samuel Laury and Myron Bush

Appeal No.: V-25-19

Subject Property: Lot 3 & 4, Block 33, Riverdale Park Subdivision, being 4504 Queensbury Road, Riverdale Park, Prince George's County, Maryland

Municipality: Town of Riverdale Park

Witness: William LaChance, Contractor

Heard: April 17, 2019; Decided: May 22, 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 variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 30 feet from the side street line. 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 pre-existing conditions (dwelling, accessory building and development) and screen a portion of an existing deck. Variances of 17 feet front yard depth for the dwelling, 19 feet front street line setback, 58 feet front street line setback, both abutting Bleae Circle for an accessory building and 7.7% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1930, contains 10,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, and screened portion of an existing deck. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (E).
2. The subject property is an irregular corner lot, consisting of lots 3 and 4 (Block 33) which takes the shape of the traffic circle which it abuts. Exhs. 2, 4, 8, 9 and 10 (A) thru (E).
3. Petitioners would like to validate existing conditions (dwelling, accessory building and development) and screen in a portion of an existing deck. Exhs. 2, 3 (a) thru (b) and 5(A) thru (E).
4. Petitioner Samuel Laury testified that they would like to screen in an existing porch and add a roof for year-round family enjoyment and avoid disease carrying mosquitoes. He further explained that the subject property contains a slope (low spot) in the rear deck area which provides a breeding ground for mosquitoes. Exhs. 2, 3 (a) thru (b) and 5(A) thru (E).
5. He stated that the porch addition will be 16' x 16'. Exh 2.
6. The Town of Riverdale Park has recommended approval of the requested variances. Exh. 22.

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 does/does not comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the irregular shape of the corner lot property, low topography (slope) in the rear yard which holds water and breeds mosquitoes 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(s) of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 17 feet front yard depth for the dwelling, 19 feet front street line setback, 58 feet front street line setback, both abutting Bleae Circle for an accessory building and of 7.7% net lot coverage in order to validate existing conditions (dwelling, accessory building and development) and screen a portion of an existing deck on the property located at Lot 3 & 4, Block 33, Riverdale Park Subdivision, being 4504 Queensbury Road, Riverdale Park, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 23 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.