

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

Petitioner: German Gonzalez

Appeal No.: V-32-19

Subject Property: Lot 3, Block F, Washington Suburban Homes Subdivision, being 5438 Spring Road,
Prince George's County, Maryland

Municipality: Town of Bladensburg

Heard: May 22, 2019; Decided: June 26, 2019

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(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 5000 square feet. Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 55 feet measured along the front building line. 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(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side or rear lot line. Petitioner proposes to validate existing conditions (property, dwelling, development) and obtain a building permit to construct a second-floor with steps. Variances of 200 square feet net lot area, 14.5 feet front building line width, 4 feet front yard depth, 21.9% net lot coverage and .5-foot side lot line setback for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1942, contains 4,800 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling (being constructed in 1941), driveway (extended shared), shed and studio. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. Petitioner would like to obtain a building permit to construct a second floor with steps. Variances are needed to validate existing conditions (property, development and dwelling) prior to obtaining a building permit for the second-floor addition. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (F).¹
3. Petitioner German Gonzales testified that he would like to construct a second-floor addition for additional living area in his house which is only 930 square feet. He explained that he has a large, growing family.
4. The second story addition will be located on the rear of the house and will extend 8' x 31' over the existing first floor. The new roof line will be connected to the front peak and will be approximately 3.5 feet higher. The rear of the addition will have stairs extending to the ground level. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (F).
5. He further explained that the studio is used for devotional gatherings and fellowship.

¹ The Town of Bladensburg took no stance on the proposed 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 the age and the small size of the dwelling at 930 square feet, the need for additional living area for the family 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, Ms. Anastasia Johnson absent, that variances of 200 square feet net lot area, 14.5 feet front building line width, 4 feet front yard depth, 21.9% net lot coverage and .5-foot side lot line setback for an accessory building in order to validate existing conditions (property, dwelling, development) and obtain a building permit to construct a second-floor with steps on the property located at 5438 Spring Road, Bladensburg, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 10 and approved elevation plans, Exhibits 3 (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.