

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

Petitioner: Carlos Amaya

Appeal No.: V-132-19

Subject Property: Lot 15, Block 13, Bellemead Subdivision, being 7420 Parkwood Street, Landover Hills, Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Heard and Decided: February 5, 2020

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, Petitioner requests that the Board approve variances from Section Ordinance Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 65 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(e)(Table IV) which prescribes that each lot shall have a side yard at least 8 feet in width. 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, and generally be located only in the rear yard. Petitioner proposes to validate existing conditions (front building line, front yard, side yard, sheds) and obtain a building permit for unauthorized constructions of a one-story addition, new roof for patio, wood retaining wall and concrete step. Variances of 1.5 feet front building line width, 5.3 feet front yard depth, 2 feet side yard width, 1.5 feet front street line setback, and 2 feet side lot line setback for accessory buildings are requested.

Evidence Presented

1. The property was subdivided in 1952, contains 8,983 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, one-story addition, new roof over patio, wood retaining wall and concrete step. Exhibits (Exhs) 2, 4, 9, 10 and 11 (A) thru (F).

2. The property is long and narrowing to the rear of the property. The topographic elevation increases from the front of the property to the rear of the property on a steep incline. Exhs. 2, 5 (A) thru (E) and 11 (A) thru (F).

3. Petitioner would like to validate preexisting property conditions (front building line, front yard, side yard, sheds) and is requesting variances of 1.5 feet front building line width, 5.3 feet front yard depth for the addition, 2 feet side yard width for the addition, 1.5 feet front street line setback and 2 feet side lot line setback for the accessory building. Exhs. 2, 3, and 5 (A) thru (E).

3. The Department of Permitting, Inspections and Enforcement issued Correction Order # 34049-2019-0 advising the homeowner (Mr. Ayala) to obtain permits for the addition on the front of the dwelling, patio cover on the rear and retaining wall, electrical and mechanical. Exh. 6.

4. Petitioner Carlos Amaya explained that the Correction Order specifically stated that permits must be obtained for the work that has begun. The work included an enclosed addition in front of the house which

has an aluminum awning with laminated glass. He explained that on the rear of the property, there was a roof existing over the patio, but repairs were required because of leaking. The retaining wall is needed because of the topography of the back yard to prevent rocks and water from flowing to the patio. He also stated that there is also a large tree that drops branches. Exhs. 2, 3, 5 (A) thru (E).

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 shape of the property being long and narrowing towards the rear of the property, the pre-existing location of development on the subject property, the topographic elevation increasing from front to the rear of 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variances of 5.3 feet front yard depth, 2 feet side yard width, 1.5 feet front street line setback, and 2 feet side lot line setback for accessory buildings in order to validate existing conditions (front building line, front yard, side yard and sheds) and obtain a building permit for unauthorized constructions of a one-story addition, new roof for patio, wood retaining wall and step on the property located at 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, Exh. 2 and approved elevation plan, Exh. 3.

BOARD OF ZONING APPEALS



By: _____
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.