

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

Petitioners: Ilcia Borja and Jairo Mayorga

Appeal No.: V-151-19

Subject Property: Lot 40, Block K, Glenarden Woods Subdivision, being 7921 Fiske Avenue, Glenarden,
Prince George's County, Maryland

Municipality: City of Glenarden

Spanish Interpreter Services: Ruben Sotogomez

Heard: September 9, 2020; Decided: October 7, 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, 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(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 existing conditions (front yard depth and lot coverage) and obtain a building permit for the unauthorized construction of a porch. Variances of 1-foot front yard depth and 8.9% lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1957, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, carport and shed. Exhibits (Exhs.) 2, 4, 12, 13 and 14 (A) thru (F).

2. Petitioners would like to obtain a building permit for an unauthorized construction of the front porch which encroaches the front yard setback, requiring a variance of 1-foot, and exceeds the minimum allowable lot coverage for the subject property, requiring a variance of 8.9% net lot coverage. Exhs. 2, 3 and 5 (A) thru (G).

3. On September 24, 2019, a Notice of Inspection was issued to Petitioners by the City of Glenarden. On October 7, 2019, the Notice of Inspection was reissued as well as a Stop Order was issued by Glenarden. Exhs. 6, 7 and 8.

4. Petitioner Jairo Mayorga stated that the property was purchased the property over a year ago, construction has begun on the front porch, and he was not aware that a permit for was required (prior to construction). Exhs. 2, 3 and 5 (A) thru (G).

5. He testified that the front porch was needed to keep rainwater off the entryway.

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

1. The Board finds that Petitioner's lot has no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition peculiar to the property. See Exhs. 2 and 3.
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that variances of 1-foot front yard depth and 8.9% lot coverage in order to validate existing conditions (front yard depth, lot coverage and accessory building) and obtain a building permit for the unauthorized construction of a porch on the property located at 7921 Fiske Avenue, Glenarden, Prince George's County, Maryland, be and is hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.