



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

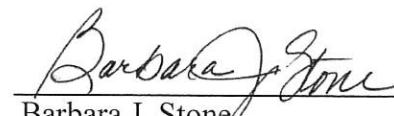
OF BOARD OF APPEALS

RE: Case No. V-26-18 Clara Rodriguez, Francisca Rodriguez, Roberto Rodriguez and Irene Bernel

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: June 13, 2018.

CERTIFICATE OF SERVICE

This is to certify that on June 26, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Town of Bladensburg
Leslie Bilchick, Spanish Language Interpreter

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

Petitioners: Clara Rodriguez, Francisca Rodriguez, Roberto Rodriguez and Irene Bernal

Appeal No.: V-26-18

Subject Property: Lot 49, Block 22, Washington Suburban Homes Subdivision, being 4112 54th Place,
Bladensburg, Prince George's County, Maryland

Municipality: Town of Bladensburg

Heard and Decided: June 13, 2018

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 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, Petitioners request that the Board approve variances 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; 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; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 30 feet from the side street line, 10 feet from the rear lot line. Petitioners propose to validate existing conditions (existing development, dwelling and carport/canopy), obtain a building permit for a new attached carport / driveway extension with canopy in the front yard and construct a shed. Variances of 3.5 feet front yard depth for the dwelling, 17.3% net lot coverage, 15 feet side street lot line setback and 8.5 feet rear lot line setback for one accessory building and 8 feet rear lot line setback for a second accessory building are requested.

Evidence Presented

1. The property was subdivided in 1943, contains 5,986 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, and detached canopy. The property is a corner lot with the dwelling facing the legal front street. Exhibits (Exhs.) 2, 6 11, 12 and 13 (A) thru (F).

2. Petitioners would like to obtain a building permit for a new 14' x 19.6' attached carport / driveway extension with 12' x 13.5' detached canopy, which is located 15 feet from the side street line and 1.5 feet from the rear lot line. Petitioners would also like to construct a 10' x 16' shed, which would be located 2 feet from the rear lot line. Variances of 15 feet side street lot line setback and 8.5 feet rear lot line setback for one accessory building and 8 feet rear lot line setback for a second accessory building were requested. Exhs. 2, 3 (a) thru (b), 4 (a) thru (c), 5 (a) thru (c) and 7 (A) thru (H).

3. The existing covered front porch is located 21.5 feet from the front street line and, as the existing development on the property exceeds the amount of lot coverage allowed, construction of the carport, canopy and shed are further overage. Variances of 3.5 feet front yard depth for the dwelling and 17.3% net lot coverage were requested. Exhs. 2, 3 (a) thru (b), 4 (a) thru (c), 5 (a) thru (c) and 7 (A) thru (H).

4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 53752-17-0, dated November 7, 2017, requiring Petitioners to "Obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to large carport and roof cover top driveway installed without the required permits or inspections." Exh. 9.

5. The Town of Bladensburg responded in writing, taking no position on the request for variances. Exh. 20.

6. Petitioner Roberto Rodriguez testified that he has lived on the property 20 years. The carport was in disrepair, deteriorating and falling down. He stated that the carport was built to stop rain from entering the basement doorway and to assist in alleviating moisture and structural damage caused by the rain. He noted that the carport has existed for 15 years. Exhs. 2, 5 (a) thru (c) and 7 (A) thru (H).

7. Mr. Rodriguez further stated that the existing shed is also in disrepair for which a permit for a new, larger shed is pending. Exhs. 2, 3 (a) thru (b) and 7 (A) thru (H).

8. Mr. Rodriguez agreed to remove the canopy from the property. Exh. 25.

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 owners 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 property being a corner lot with the dwelling facing the legal front street, the location of the basement door allowing rain water to enter the basement causing structural damage, the current carport deteriorating and falling 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 variances of 3.5 feet front yard depth for the dwelling, 14.6% net lot coverage and 8 feet rear lot line setback for an accessory building in order to validate existing conditions (existing development, dwelling and carport), obtain a building permit for a new 14' x 19.6' attached carport and construct a 10' x 16' shed on the property located at Lot 49, Block 22, Washington Suburban Homes Subdivision, being 4112 54th Place, 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 25 and approved elevation plans, Exhibits 3 (a) thru (b) and 5 (a) thru (c).

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.



(a)



(b)

APPROVED
Bethany Goss
BOARD OF APPEALS
DATE: 6/13/18

EXH. # 5(a-c)
V-26-18

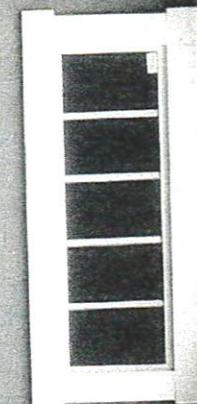
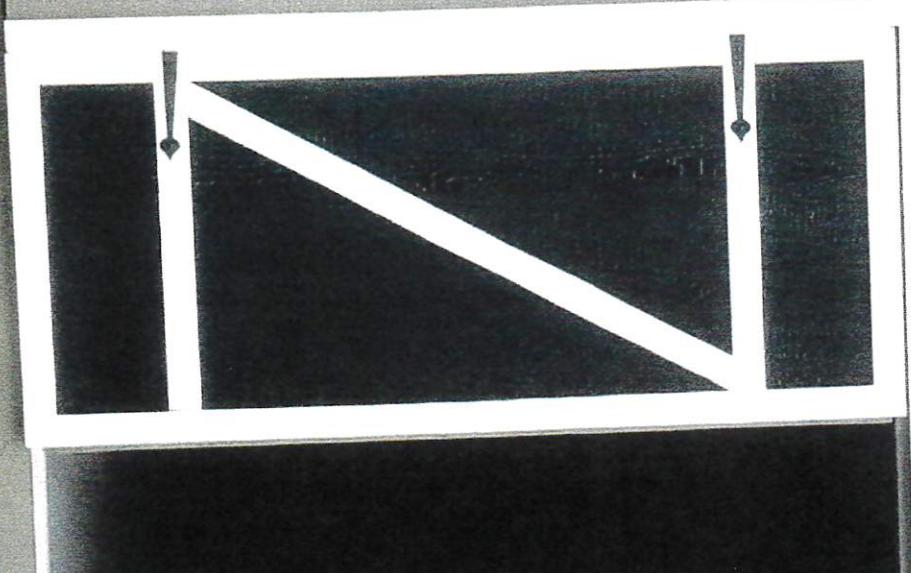


(c)

An ink stamp with a rectangular border containing the word "APPROVED" at the top. Below it is a handwritten signature of "Barbara Stone". Underneath the signature, the words "BOARD OF APPEALS" are printed. At the bottom left, the word "DATE:" is followed by the handwritten date "7/13/18".

Robert J. Stone
APPROVED
DATE: 6/13/08
BOARD OF APPEALS

EXH. # 3 (a-1)
J-26-18



(a)



APPROVED
Board of Appeals
DATE: 4/23/18

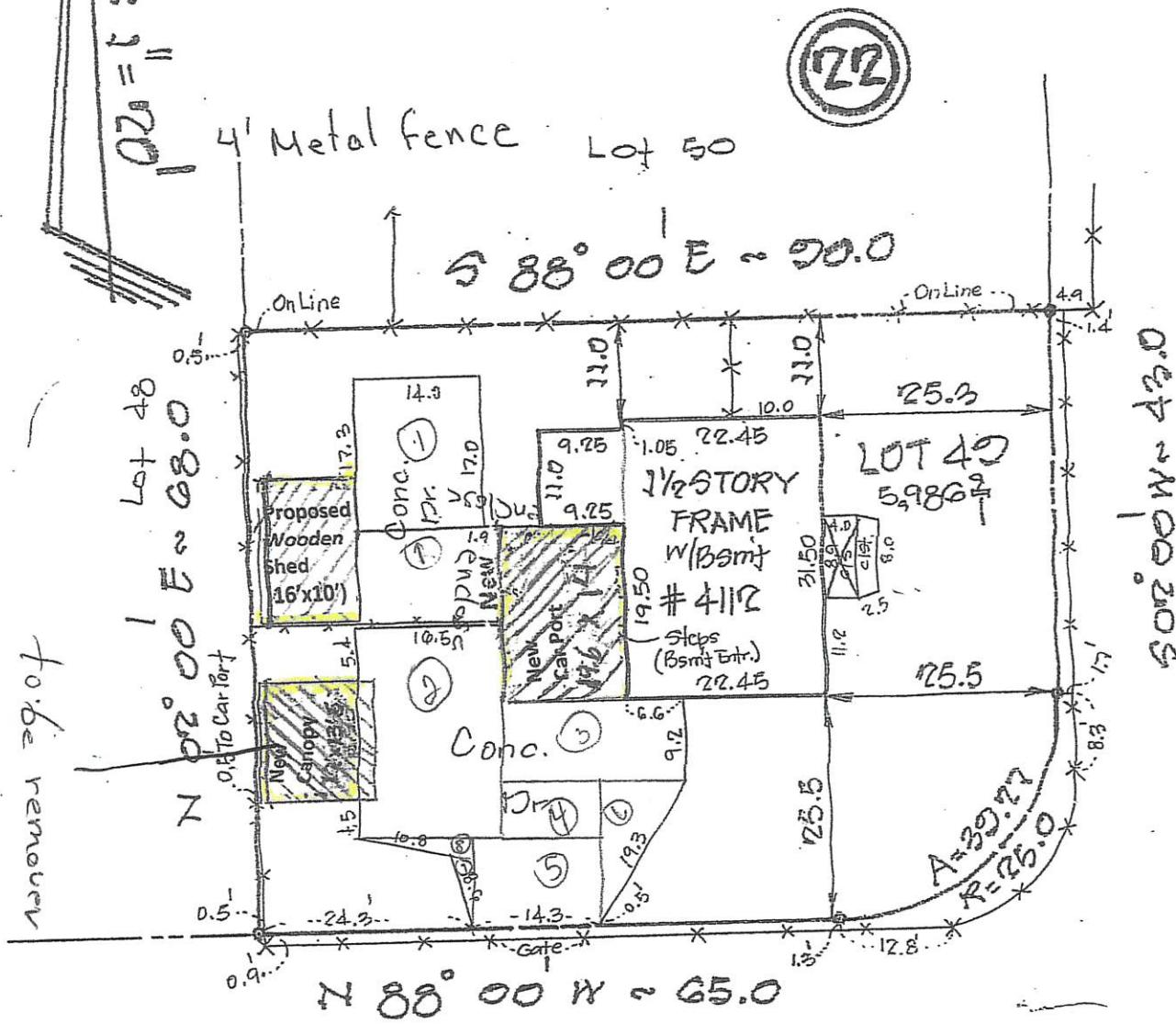


HOUSE LOCATION SURVEY

LOT 49, BLOCK "22", SECTION 1
WASHINGTON SUBURBAN HOMES

PLAT BOOK BB 09 @ PLAT NO. 78
2ND ELECTION DISTRICT, PRINCE GEORGE'S COUNTY, MD.

SCALE: 1 = 20



SPRING [50^W] STREET

APPROVED

Barbara Stone

BOARD OF APPEALS

DATE: 6/13/18

SURVEYOR'S CERTIFICATES:

I hereby certify that the position of the existing improvements on the above described property has been carefully established by a transit - tape survey and that unless otherwise shown, there are no visible encroachments.

The property shown hereon is not within
Zone A-Special Flood Hazard Area per
FF M.A. Flood Insurance Rate Maps.

otherwise shown, there are no visible encroachments.

I hereby certify that I have carefully surveyed the property, as shown by this plat and iron pipe are in place as shown.

NOTE: House location surveys do not include setting Iron Pipes on property corners.

NO TITLE REPORT FURNISHED
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS



W. L. MEEKINS, INC.

3101 RITCHIE ROAD
FORESTVILLE, MD 20747
TEL : 301-736-6387 / 7115
email : info@meekins.net
web : www.meekins.net

REGISTRATIONS
MD # 10833
DCLS # 800860

EXH. # 25
V-26-18