

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

Petitioner: Ana Portillo

Appeal No.: V-82-18

Subject Property: Lot 6, Block B, Templeton Knolls Subdivision, being 5605 59th Avenue, Riverdale,
Prince George's County, Maryland

Witnesses: Juan Garzon, Friend

Juan Jimenez, Petitioner's Husband

Heard and Decided: August 29, 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, Petitioner requests 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 and a side yard 9 feet in width, and 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. Petitioner proposes to validate existing conditions (development, dwelling) and obtain a building permit for covered front porch, one-story rear addition, attached carport, shed and driveway to a semi-detached dwelling. Variances of 6 feet front yard depth, 8.5 feet side yard width and 18% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1950, contains 3,510 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling, driveway, attached carport and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. The shape of the lot is long and narrow. The house, a semi-detached dwelling located on the left property line. Exhs. 2 and 4.

3. Petitioner would like to obtain a building permit for a 6.3' x 18.2' covered front porch, 9.1' x 16.3' one-story addition, 11'10" x 18'9" attached carport, 13' x 13.2' shed and 11'10" x 38'1" driveway. As the development on the property exceeds the amount of lot coverage, a variance of 18% net lot coverage was requested. Exhs. 2, 3 (a) thru (c) and 12.

4. The covered front porch is located 19 feet from the front street line and the carport is located .5 foot from the side lot line. Variances of 6 feet front yard depth and 8.5 feet side yard width were requested. Exhs. 2, 3 (a) thru (c) and 12.

5. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a Correction Order dated April 4, 2018, requiring Petitioner to "obtain a building permit for driveway, front porch, carport, rear addition and auxiliary structure". Exh. 6.

6. Petitioner Ana Portilla testified that the covered porch and carport were added 4 years ago to deter water entering the basement and the addition, shed, and driveway existed at the time of purchase. Exhs. 2, 3 (a) thru (c), 5 (A) thru (G).

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 lot being long and narrow, the semi-attached dwelling situated to the left of the lot, a water issue that required abatement 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 variances of 6 feet front yard depth, 8.5 feet side yard width and 18% net lot coverage in order to validate existing conditions (development, dwelling) and obtain a building permit for covered front porch, one-story rear addition, attached carport, shed and driveway to a semi-detached dwelling on the property located at Lot 6, Block B, Templeton Knolls Subdivision, being 5605 59th Avenue, Riverdale, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 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.