

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

Petitioner: Fidel Blanco

Appeal No.: V-126-18

Subject Property: Lot 19, Block G, Forest Heights Subdivision, being 112 South Huron Drive, Oxon Hill, Prince George's County, Maryland

Municipality: Forest Heights

Witness: Juan Michael, Resident

Heard: November 28, 2018; Decided: December 5, 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 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 a variance 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. Petitioner proposes to construct a covered front porch. A variance of 6.5 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1942, contains 7,845 square feet, is zoned R-55 (One Family Detached Residential) and is improved with a single-family dwelling, driveway, deck and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The property slopes downward toward the driveway.
4. Petitioner would like to construct an 8' x 24' covered front porch. As a portion of the front porch will be located in the required front yard, a variance of 6.5 feet front yard setback was requested. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (G).
5. Petitioner Fidel Blanco stated that he proposes to construct an 8' x 24' covered front porch with stairs to enhance the appearance of the front façade and provide protection from the weather. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (G).
6. The Town of Forest Heights has no objection to the proposed variance. Exh. 19.

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 topography (downward slope) of the front yard, the need to provide a covered area out of the weather, to enhance the appearance of the front façade of the dwelling 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 variance of 6.5 feet front yard depth in order to construct an 8' x 24' covered porch on the property located at Lot 19, Block G, Forest Heights Subdivision, being 112 South Huron Drive, Oxon Hill, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (b).

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.