

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

Petitioner: Abner Vasquez

Appeal No.: V-140-18

Subject Property: Lot 17, Block C, Eastpines Subdivision, being 6322 Powhatan Street, Riverdale,
Prince George's County, Maryland

Spanish Language Interpreter Services: Ernesto Luna

Witness: Aziz Akame, Architect

Heard and Decided: February 20, 2019

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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from the rear lot line. Petitioner proposes to validate existing conditions (development, shed) and construct a one-story addition. Variances of 31.1% net lot coverage and 1.5 feet rear lot line setback for an accessory building are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1941, contains 5,206 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. Petitioner would like to construct a 7.4' x 10.2' one-story addition, which would be located in the front left-hand corner of the dwelling. As the current development on the property exceeds the amount of lot coverage allowed, and construction of the addition would be further overage, a variance of 31.1% net lot coverage was requested. Exhs. 2, 3, 5 (A) thru (E).
3. The shed is located .5 foot from the rear lot line. A variance of 1.5 feet rear lot line setback for an accessory building was requested. Exhs. 2, 3, 5 (A) thru (E).
4. Petitioner Abner Vasquez testified that his house is extremely small and additional living area is needed for his growing family. His intention is to expand the living room on the front of the house, which will square off the front of the dwelling. Exhs. 2, 3, 5 (A) thru (E).
5. Architect Aziz Akame testified that the proposed addition will be only 7'.4" x 10'.2". Exh. 3.

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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the minimal size of the dwelling, the need for additional living space for the family 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 31.1% net lot coverage and 1.5 feet rear lot line setback for an accessory building in order to validate existing conditions (development, shed) and construct a 7.4' x 10.2' one-story addition on the property located at Lot 17, Block C, Eastpines Subdivision, being 6322 Powhatan Street, 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 plan, Exhibit 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.