

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

Petitioner: Pedro Juarez Moguel

Appeal No.: V-130-18

Subject Property: Lot 60, Block H, Kent Village Subdivision, being 2311 Virginia Avenue, Hyattsville,
Prince George's County, Maryland

Spanish Language Interpreter Service: Ernesto Luna

Heard and Decided: January 23, 2019

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 on a semi-detached dwelling. A variance of 5 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1959, contains 4,259 square feet, is zoned R-20 (One Family Semidetached Residential) and is improved with a semi-detached single-family dwelling, driveway and concrete patio. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The shape of the lot is odd shaped being very narrow with a sharp angle to the rear lot line. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioner would like to construct a 20' x 6' covered front porch. As Section 27-442 (e) states that each yard shall have a front yard at least 25 feet in depth, the front porch will encroach the required setback. Exhs. 2, 3 and 5 (A) thru (I).

4. Petitioner Pedro Moguel testified that he is planning on constructing a covered front porch (which will not be enclosed). In the evening with the house facing west, the sun bakes the front of the house making it impossible to sit outside in front of the dwelling. He opined that the covered porch will protect the front façade of the house from the sun.¹ Exhs. 2, 3 and 5 (A) thru (I).

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

¹ Mr. Moguel further testified that the covered porch will help with cooling the house in the summer.

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 odd shape of the property, the narrowness of the lot and the sharp angle of the rear lot line, the dwelling facing the western sky causing damage to the front façade of the house 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, by majority vote, Ms. Anastasia Johnson absent, that a variance of 5 feet front yard depth in order to construct a covered front porch on a semi-detached dwelling on the property located at 2311 Virginia Avenue, Hyattsville, 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 plan, Exhibit 3.

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.