

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-15-14 Cecilio & Juana Vasquez

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: April 9, 2014.

CERTIFICATE OF SERVICE

This is to certify that on April 16, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Anne F. Carter
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
Town of Bladensburg

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

Petitioners: Cecilio & Juana Vasquez

Appeal No.: V-15-14

Subject Property: Lots 27, 28, 29 & 30, Block 17, Decatur Heights Subdivision, being 5221 Tilden Road, Bladensburg, Prince George's County, Maryland

Municipality: Town of Bladensburg

Witness: Dani Vasquez, Petitioners' son

Heard: March 26, 2014; Decided: April 9, 2014

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, Petitioners request that the Board approve a variance 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 off-street parking. Petitioners propose to validate an existing condition and construct a first-floor addition and covered deck. A variance of 8.3% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1947, contains 9,478 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, 9 and 10. The existing single-family dwelling was built in 1936. Exhs. 9 and 10.

2. The property is a corner lot with the dwelling facing the legal front street. The driveway accesses both the side street and the front street, crossing the property to the right side and rear of the dwelling. Exhs. 2, 11(A) through (E).

3. Petitioners would like to construct a 12' x 22' first-floor addition and 8' x 12' covered deck over an existing concrete patio at the back of the house (Exh. 3), but a variance is needed to obtain a building permit. Since construction of the addition and covered deck would cause the allowed amount of net lot coverage to be further exceeded, a variance of 8.3% net lot coverage was requested. Exhs. 13 and 14.

4. Dani Vasquez testified that the addition was needed for a bedroom because his mother and grandmother, both of whom are not very mobile, currently use the dining room and den as their bedrooms. He stated that the addition will have vinyl siding to match the existing house.

5. The Town of Bladensburg had no opposition to the request. Exh. 21.

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 property being a corner lot, the basement having a walk-out exit at the rear of the house where the property slopes, an existing driveway extending behind the house and crossing the property to access both the side and front streets, the need for additional living space to accommodate Petitioner and her mother both of whom have limited mobility, 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 a variance of 8.3% net lot coverage in order to validate an existing condition and construct a 12' x 22' first-floor addition and 8' x 12' covered deck on the property located at Lots 27, 28, 29 & 30, Block 17, Decatur Heights Subdivision, being 5221 Tilden Road, Bladensburg, 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 the 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.