

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-59-13 Clara Aldana

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: September 11, 2013.

CERTIFICATE OF SERVICE

This is to certify that on September 25, 2013, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Ernesto Luna, Spanish Language Interpreter

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

Petitioner: Clara Aldana

Appeal No.: V-59-13

Subject Property: Lots 11 & 12, Block 19, Greater Capitol Heights Subdivision, being 805 Drum Avenue, Capitol Heights, Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Witnesses: Julio Pena, Petitioner's husband

Alberta Colbert, neighbor

Heard and Decided: September 11, 2013

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(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(d) (Table III), which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line; and Section 27-442(e)(Table IV), which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioner proposes to validate existing conditions and construct a covered front porch. Variances of 1,000 square feet net lot area, 10 feet front building line width and 3 feet 9 inches front yard depth are requested.

Evidence Presented

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

1. The property was subdivided in 1909, contains 4,000 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 and 9. The existing single-family dwelling was built in 1953. Exhs. 8 and 9.

2. The property is narrow, being only 40 feet wide. Exh. 2.

3. Petitioner would like to construct a 4'9" x 7'10" covered front porch, but variances are needed in order to obtain a building permit. Since the porch would be located 21 feet 3 inches from the front street line, a variance of 3 feet 9 inches front yard depth was requested. Exh. 13.

4. In addition, certain lot-related conditions need validation before a obtain permit may be obtained. Since the property does not meet the current minimum lot size and lot width requirements set forth in the Zoning Ordinance, variances of 1,000 square feet net lot area and 10 feet front building line width were also requested. Exh. 13.

5. Julio Pena, Petitioner's husband, explained that because the house was leaking the roof was replaced and a new brick wall and front porch added. He further stated that a violation notice was issued for the construction and required that a building permit be obtained. Exh. 7.

6. Alberta Colbert, neighbor, had no opposition to the request and stated that there is another house nearby with a front porch.

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

Due to the property being subdivided in 1909, the narrowness of the property, the house having existed since 1953 and in need of protection from leaking, the front porch having been added only when repairs/renovations occurred, 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 1,000 square feet net lot area, 10 feet front building line width and 3 feet 9 inches front yard depth in order to validate existing conditions and construct a 4'9" x 7'10" covered front porch on the property located at Lots 11 & 12, Block 19, Greater Capitol Heights Subdivision, being 805 Drum Avenue, Capitol Heights, 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 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.