

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-101-13 Juan Carrillo

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: December 4, 2013.

CERTIFICATE OF SERVICE

This is to certify that on January 15, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division

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

Petitioner: Juan Carrillo

Appeal No.: V-101-13

Subject Property: Lot 9, Block 11, Green Meadows Subdivision, being 2016 Roanoke Street, Hyattsville,
Prince George's County, Maryland

Witness: Eva Carrillo

Heard: November 20, 2013; Decided: December 4, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth; 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; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any rear lot line. Petitioner proposes to validate existing conditions and obtain a building permit to construct a covered front porch. Variances of 6 feet front yard depth, 9.5% net lot coverage and 1 foot 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 5,084 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 1941. Exhs. 9 and 10.

2. The lot is not unique in shape or size, being rectangular in shape and similar in size to surrounding lots. Exh. 4.

3. Petitioner began construction of a covered front porch without obtaining a building permit. Exhs. 5(A) and (B). Petitioner received Correction Order No. 19694-2013, dated June 14, 2013, and Building Violation Notice No. 37985-2013, dated October 24, 2013, from the Department of Permitting, Inspections and Enforcement, requiring that either a building permit be obtained or the frame roof over the front door be removed. Exhs. 6 and 7.

4. Petitioner would like to complete construction of a 5.5' x 12' covered front porch (Exhs. 1 and 2), but variances are needed to obtain a building permit. Since the covered porch is located only 19 feet from the front street line and construction of the front porch caused the maximum allowed net lot coverage to be further exceeded, variances of 6 feet front yard depth and 9.5% net lot coverage were requested. Exh. 13.

5. Petitioner purchased the property in 2012. Exh. 9. Eva Carrillo, Petitioner's wife, testified that Petitioner has lived at the property for three years. Petitioner testified that the brick driveway area in front of the house was built while he has lived at the property.¹ In addition, the pre-existing shed in the rear yard which is located only 1 foot from the rear lot line at the closest point needs to be validated with a variance of 1 foot rear lot line setback. Exh. 13.

6. Eva Carrillo further testified that the overhang of the front porch (Exh. 11(F)) was blown off in a storm last year and Petitioner decided to replace the existing porch with a sturdier porch with a roof. Exhs. 5(A) and (B).

7. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and stated that the record plat indicates that the subject lot is subject to a 25-foot building restriction line (BRL) along Roanoke Street, that the covered porch now exists and encroaches into the BRL. 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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1941, the house being built many years ago, the previous front porch with an overhang having been destroyed in a storm, the replacement porch being built in the same location with a sturdier roof, the need to obtain a setback variance for the replacement porch in order to complete construction, the further need to validate the location of the shed in the rear yard, 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 6 feet front yard depth, 6.2% net lot coverage and 1 foot rear lot line setback for an accessory building in order to validate existing conditions and obtain a building permit to construct a 5.5' x 12' covered front porch on the property located at Lot 9, Block 11, Green Meadows Subdivision, being 2016 Roanoke Street, Hyattsville, Prince George's County,

¹ A rebuttable assumption existed that the parking area in the front yard may have been grandfathered before the implementation of the requirements of Section 27-120.01(c) of the Zoning Ordinance. Because testimony indicated that the front yard parking area was constructed recently and is therefore subject to the restrictions of Section 27-120.01(c), the Board informed Petitioner that it was reducing the amount of the net lot coverage variance by the size of the driveway in front of the house (thereby reducing the variance for net lot coverage to 6.2%). We note that upon hearing this information, Petitioner agreed to remove the front yard area in dispute.

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.