

*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No.     V-6-14 Juan Perez & Norma Ramirez    

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:     March 12, 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  
DPIE/Building Code Official, Permitting  
DPIE/Inspections Division  
Town of Riverdale Park

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

Petitioners: Juan Perez and Norma Ramirez

Appeal No.: V-6-14

Subject Property: Lot 13, Block 59, Waters Resubdivision of Riverdale Park Subdivision, being 5005  
Oglethorpe Street, Riverdale, Prince George's County, Maryland

Municipality: Town of Riverdale Park

Witness: Jose Ramirez, son of Petitioners

Heard: February 26, 2014; Decided: March 12, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioners propose to validate an existing condition and obtain a building permit for a new two-story addition and proposed open wood porch with steps. A variance of 10 feet front yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1937, contains 7,185 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits 4, 12, 13 and 27. The existing single-family dwelling was built in 1950. Exhs. 12 and 13.

2. The lot is twice as deep as it is wide and widens slightly from front to rear. Exh. 27.

3. Petitioners received Building Violation Notice BVN 10292-2011-1, dated April 19, 2011, from the Department of Environmental Resources, which required that Petitioners obtain a building permit for the addition on the back of the house or remove it. Exhs. 8 and 21.

4. Petitioners would like to obtain a building permit for a 25' x 27.7' two-story addition and proposed 4' x 8' open wood porch with steps, and validate the existing condition of an 8' x 12' covered front porch and steps located 15 feet from the front street line with a variance of 10 feet front yard depth. Exh.15.

5. Petitioner Norma Ramirez testified that the front porch is necessary for protection from slippery steps and the proposed addition is needed because the house is very small and more space is desired.

6. Jose Ramirez, Petitioners' son, testified that construction of the addition commenced in 2006, but the building permit expired. Exh. 8. He explained that when Petitioner attempted to renew the permit, Petitioner discovered that the front porch extended beyond the building restriction line and the cover over the porch would have to be removed. Exh. 22. He stated that the covered porch preexisted and neighbors also have covered porches. Exhs. 6(A) through (E).

7. Mr. Ramirez further testified that the proposed addition will include two more bedrooms upstairs and a living room downstairs. He further stated that Petitioner's next door neighbor is expanding her house on the back (Exhs. 6(A) and 14(B)), and another neighbor has also expanded on the rear (Exh. 6(B)).

8. The Town of Riverdale Park supports the request. Exh. 28.

9. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and stated that the existing covered porch extends into the platted 25-foot building restriction line, but applicant is not proposing any new encroachment and there are no subdivision issues. Exh. 24.

#### 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 house being built many years ago, a preexisting covered porch being only 15 feet from the street, the small size of the house, a prior permit for the two-story addition having expired, the need for a variance being discovered when renewal of the permit was attempted, the need for additional living space, the existing covered porch being needed during slippery conditions, 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 10 feet front yard depth in order to validate an existing condition and obtain a building permit for a new 25' x 27.7' two-story addition and proposed 4' x 8' open wood porch with steps on the property located at Lot 13, Block 59, Waters Resubdivision of Riverdale Park Subdivision, being 5005 Oglethorpe Street, Riverdale, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 27, and the approved elevation plans, Exhibits 3(a) and (b).

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.