

*NOTICE OF FINAL DECISION
OF BOARD OF APPEALS*

RE: Case No. V-18-14 Barry & Roni Polisar

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: May 7, 2014.

CERTIFICATE OF SERVICE

This is to certify that on May 21, 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
Town of Riverdale Park

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

Petitioners: Barry and Roni Polisar, Trustees

Appeal No.: V-18-14

Subject Property: Lot 13, Block 39, Riverdale Park Subdivision, being 4510 Riverdale Road, Riverdale Park, Prince George's County, Maryland

Municipality: Town of Riverdale Park

Heard: April 23, 2014; Decided: May 7, 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 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, Petitioners request 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; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioners propose to validate existing conditions and reconstruct/restore an existing covered front porch with steps. Variances of 12.5 feet front yard depth, 13.4% net lot coverage, and 1 foot 6 inches side lot line and 1 foot 4 inches rear lot line setbacks 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 1889 (recorded in 1930), contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, detached garage and driveway. Exhibits ("Exhs.") 3, 6, 10 and 11. The existing single-family dwelling was built in 1908. Exhs. 10 and 11.
2. Petitioners would like to reconstruct/restore a 7.5' x 32.43' covered front porch with steps, but variances are needed to obtain a building permit. The floor of the porch was previously removed and a 6.05' x 4' stoop and steps were constructed in its place. Since the covered porch is located 17.5 feet and the porch steps 12.5 feet from the front street line, a variance of 12.5 feet front yard depth was requested. Exh. 15.
3. Even though no footprint of structures on the property will change, the allowable net lot coverage is exceeded by existing development on the property and a variance of 13.4% net lot coverage was requested to validate the existing conditions. Exhs. 14 and 15.
4. Also requiring validation is the location of an existing detached garage located only .6 foot from the side lot line and .8 foot from the rear lot line. Variances of 1 foot 6 inches side lot line and 1 foot 4 inches rear lot line setbacks for the accessory building were also requested to validate this existing condition. Exh. 15.

5. Petitioner Barry Polisar stated that he purchased the property in 1982 and rents the house. He explained that the house has an existing covered front porch that is essentially a supported roof covering a ground-level concrete slab floor. He believes that the porch originally had a raised wooden floor that was removed by the previous owner who installed a concrete and brick stoop (Exh. 7"A"). Petitioner would like to remove this stoop and re-construct and restore a wood floor above the existing concrete porch pad, under the existing porch roof. He stated that the construction will make the house consistent with the design of other homes (with their original porch floors) on Riverdale Road (Exhs. 8"B" through "F"). Exh. 2.

6. Petitioner further stated that the original porch was in the same location and the proposed construction will not change the existing lot coverage or footprint. Exh. 2.

7. Petitioner stated that the current porch already has a roof that ties into the house and is supported by posts which rest on solid concrete footers which are 30" deep and approximately 18" wide. Exh. 2.

8. The Town of Riverdale Park supported the request. Exh. 23.

9. The Historic Preservation Section of the Maryland-National Capital Park and Planning Commission commented that the subject property is located with Riverdale Park National Register Historic District (no local regulatory impacts), but the subject request has no effect on Historic Sites or Historic Resources. Exh. 20.

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 1889, the house and porch being built in 1908, the original porch being built in a location that does not meet the current front yard setback requirement, the proposed renovations to the front porch not changing the existing lot coverage or footprint, other existing conditions on the property needing validation in order to obtain a permit for the work on the porch, 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 variances of 12.5 feet front yard depth, 13.4% net lot coverage, and 1 foot 6 inches side lot line and 1 foot 4 inches rear lot line setbacks for an accessory building in order to validate existing conditions and reconstruct/restore a 7.5' x 32.43' existing covered front porch with steps on the property located at Lot 13, Block 39, Riverdale Park Subdivision, being 4510 Riverdale Road, Riverdale Park, 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 3, and the approved elevation plans, Exhibits 4(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.