

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-71-15 Secundino Lazo

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 9, 2015.

CERTIFICATE OF SERVICE

This is to certify that on September 21, 2015, 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

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

Petitioner: Secundino Lazo

Appeal No.: V-71-15

Subject Property: Lots 1 & 2, Block 19, Riverdale Heights Subdivision, being 6015 Sheridan Street,
Riverdale, Prince George's County, Maryland

Witness: Marlene Paucar, A Team Engineers

Heard: August 19, 2015; Decided: September 9, 2015

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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(e)(Table IV), which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth, a side yard at least 7 feet in width and a rear yard at least 20 feet in depth/width; 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 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate existing conditions and construct a two-story addition. Variances of 291 square feet net lot area, 11 feet side street yard depth, 2 feet side yard width, 9 feet rear yard depth/width, 7.4% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1919, contains 4,709 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 4, 8, 9 and 18. The property is located within Aviation Policy Area 6 and the existing dwelling was built in 1969. Exhs. 8 and 9.
2. The property is a small, narrow corner lot, being 44.74 to 49.48 feet wide and 100 feet deep. The dwelling faces and driveway access is off of the legal side street, Sheridan Street. Exhs. 10(A) through (E), 18.
3. Petitioner would like to construct a 24' x 26' two-story addition on the side of the existing dwelling (Exh. 18), but variances are needed to obtain a building permit. Since the addition will be located 11 feet from the rear lot line and will follow the lines of the existing house, which is located 14 feet from the side street line and 5 feet from the side lot line, and since construction of the addition will cause the net lot coverage on the property to further exceed the amount allowed (30%), variances of 11 feet side street yard depth, 2 feet side yard width, 9 feet rear yard depth/width and 7.4% net lot coverage were requested. Exhs. 12 and 20.

4. In addition, since the proposed two-story addition will replace the existing garage, thereby causing the location of the driveway to be prohibited under Section 27-120.01(c), a waiver of the parking area location requirement was also requested. Exh. 12.

5. The size of the property does not meet the current minimum lot size requirement and a variance of 291 square feet net lot area was requested to validate this preexisting condition. Exh. 12.

6. Petitioner's contractor, Marlene Paucar, testified that Petitioner has a family of nine and the existing house does not adequately accommodate the needs of the family.

7. Ms. Paucar further testified that the garage, which is 12 feet wide, will be replaced with an addition that is twice as wide (24 feet). She stated that the existing shed will be removed to allow construction of the addition.

8. Ms. Paucar stated that a barrier of bollards will be installed to prevent a vehicle from driving into the addition. See Exh. 18.

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 1919, the property being a corner lot, the small size of the lot, the narrowness of the lot, existing conditions needing validation in order to obtain a building permit, the proposed addition causing the existing driveway to be in violation of Section 27-120.01(c), the need for additional living space, 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, by majority vote, Mr. Scott absent, that variances of 291 square feet net lot area, 11 feet side street yard depth, 2 feet side yard width, 9 feet rear yard depth/width, 7.4% net lot coverage and a waiver of the parking area location requirement in order to validate existing conditions and construct a 24' x 26' two-story addition on the property located at Lots 1 & 2, Block 19, Riverdale Heights Subdivision, being 6015 Sheridan Street, Riverdale, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18, and the approved revised elevation plans, Exhibits 19(a) through (d).

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.