

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-73-15 Timothy & Rachiel Durant

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: August 19, 2015.

CERTIFICATE OF SERVICE

This is to certify that on September 2, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Avondale/North Woodridge Citizens' Association

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

Petitioners: Timothy and Rachiel Durant

Appeal No.: V-73-15

Subject Property: Lot 6, Block A, Avondale Terrace Subdivision, being 5416 20th Avenue, Hyattsville,
Prince George's County, Maryland

Heard and Decided: August 19, 2015

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 side yard at least 9 feet in width and 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. Petitioners propose to validate existing conditions and construct a screened porch. Variances of 7 feet side yard width and 1.7% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1945, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, attached carport/awning and driveway. Exhibits ("Exhs.") 2, 4, 11 and 12. The existing dwelling was built in 1947 with an addition constructed on the rear in 2000. Exhs. 10, 11 and 12.

2. The property is narrow, being only 55 feet wide. Exhs. 2 and 4.

3. Petitioners would like to construct a 7' x 16' screened porch on the rear of the dwelling, but a variance is needed to obtain a building permit. Since the allowed amount of net lot coverage (30%) is already exceeded by existing development and construction of the proposed screened porch would cause a further excess, a variance of 1.7% net lot coverage was requested. Exh. 19.

4. In 1979, the Board approved a side yard setback variance for the carport/awning (Appeal No. 5661).¹ Exh. 8.

5. The edge of the proposed screened porch would continue the existing line of the house on the right side. Exhs. 2 and 3.

6. Petitioner Rachiel Durant testified that they have lived at the property for 21 years. She explained that a screened porch was removed from the back of the house when an addition was constructed and the new screened porch would allow enjoyment of the back of their property and provide protection from mosquitoes. She further testified that the proposed porch will be consistent with neighborhood houses, including the house next door, that have screened porches. Exhs. 13(B) through (E).

¹ During the hearing, it was determined that the side yard setback variance granted in Appeal No. 5661 was sufficient and therefore the current request for 7 feet side yard width is unnecessary.

7. Avondale/North Woodridge Citizens' Association was notified of Petitioners' intent to construct the proposed screened porch. Exh. 6.

8. Avonridge Community Development Corporation supported the variance request. Exh. 7.

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 narrowness of the property, a screened porch having been removed from the back of the house when an addition was constructed, the proposed porch allowing continued enjoyment of the rear of the property and protection from insects, 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 1.7% net lot coverage in order to construct a 7' x 16' screened porch on the property located at Lot 6, Block A, Avondale Terrace Subdivision, being 5416 20th Avenue, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance 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.