

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-20-15 Marcel & Theresita Isorena

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: April 29, 2015.

CERTIFICATE OF SERVICE

This is to certify that on May 22, 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

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

Petitioners: Marcel and Theresita Isorena

Appeal No.: V-20-15

Subject Property: Lot 4, Block C-C, South Lawn Subdivision, being 1207 Westfield Drive, Oxon Hill,
Prince George's County, Maryland

Witness: Rolly Tamoria, Petitioners' contractor

Heard and Decided: April 29, 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 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; 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. Petitioners propose to validate existing conditions and construct a one-story addition. Variances of 7 feet front yard depth, 14.6% net lot coverage and a waiver of the parking area location requirement for a driveway in the front yard are requested.

Evidence Presented

1. The property was subdivided in 1955, contains 5,500 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, 8 and 9. The existing dwelling was built in 1955. Exhs. 8 and 9.

2. Petitioners would like to construct an 18' x 35' one-story addition on the rear of the existing dwelling, but variances are needed to obtain a building permit. Since the allowed amount of net lot coverage allowed is already exceeded and construction of the addition would cause further coverage, a variance of 14.6% net lot coverage was requested. Exhs. 12 and 13.

3. Other existing conditions must also be validated to obtain a permit. Since the existing covered front porch is located 18 feet from the front street line and part of the existing driveway extends into the area of the front yard prohibited by Section 27-120.01(c), a variance of 7 feet front yard depth and a waiver of the parking area location requirement were also requested. Exh. 13.

4. Rolly Tamoria, Petitioners' contractor, testified that Petitioners would like to build a one-story addition which would contain a bedroom and bathroom and extend the living room. He stated that several nearby houses have additions at the rear.

5. Petitioner Theresita Isorena testified that Petitioners have lived at the property since 2004 and the existing house has three bedrooms, one of which is very small and is used for the computer. She explained that when they bought the property she was pregnant with their first child and now they have an 11-year-old and a 12-year-old. She stated that therefore there is a need for another bedroom and bathroom. She stated that the living/dining area is so small that there is insufficient space for guests. She stated that the driveway was expanded in 2007.

6. Petitioner Marcel Isorena testified that Petitioners plan to remove the shed. Exh. 2.

7. Mr. Tamoria further testified that the proposed addition will have vinyl siding and the heights of the roof of the proposed addition and roof of the house will be the same.

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 house being built many years ago, the owners' family having grown, the need for additional living space, an existing shed being removed, the location of a portion of the existing driveway and existing covered front porch not meeting current setback/location requirements and thus requiring validation, 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 7 feet front yard depth, 14.6% net lot coverage and a waiver of the parking area location requirement for a driveway in the front yard in order to validate existing conditions and construct an 18' x 35' one-story addition on the property located at Lot 4, Block C-C, South Lawn Subdivision, being 1207 Westfield Drive, Oxon Hill, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) through (c).

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.