

NOTICE OF FINAL DECISION  
OF BOARD OF APPEALS

RE: Case No. V-48-14 Adius & Teodora Moise

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: July 23, 2014.

**CERTIFICATE OF SERVICE**

This is to certify that on August 4, 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

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

Petitioners: Adius and Teodora Moise

Appeal No.: V-48-14

Subject Property: Lot 18, Block C, Lenkin's Addition to Adelphi Subdivision, being 1903 Red Oak Drive,  
Hyattsville, Prince George's County, Maryland

Witness: Cecelia Moise, Petitioners' daughter

Heard and Decided: July 23, 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, 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 construct a covered front porch. Variances of 5 feet front yard depth and .8% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1955, contains 6,451 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1956. Exhs. 7 and 8.
2. The property has a slightly irregular shape, has a curved front property line and widens from front to rear. Exh. 2.
3. In 2006, the Board approved a variance of 5.1% net lot coverage to construct a one-story addition with basement on the rear of the dwelling. Exh. 5.
4. Petitioners would like to construct a 5.5' x 20' covered front porch, but variances are required in order to obtain a building permit. Since the proposed covered porch would be located 20 feet from the front street line and construction of the porch would cause the allowed amount of net lot coverage to be further exceeded, variances of 5 feet front yard depth and .8% net lot coverage were requested. Exhs. 11 and 12.
5. Petitioner Adius Moise testified that the existing condition of the front stoop and steps is very bad, the railing is broken, and entering the house with one chair on the stoop is problematic. Exhs. 18(A) through (E). He stated that the appearance of the stoop is bad. He stated that the stoop should be replaced with a larger front porch where there will be sufficient room for more than one person to sit outside. He also stated that the new porch would be wider but not extend much closer to the street than the existing stoop. He testified that he has seen other houses in the neighborhood that have covered the porches.

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 condition of the front stoop, railing and steps having deteriorated and become unattractive, the stoop being too small for more than one person to sit outside, entry through the front door being difficult if anyone sits on the porch, the proposed porch not extending much closer to the street than the existing stoop, 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 5 feet front yard depth and .8% net lot coverage in order to construct a 5.5' x 20' covered front porch on the property located at Lot 18, Block C, Lenkin's Addition to Adelphi Subdivision, being 1903 Red Oak Drive, Hyattsville, 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 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.