

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-55-13 John & Penny Bradley

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 7, 2013 .

**CERTIFICATE OF SERVICE**

This is to certify that on September 5, 2013, 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: John & Penny Bradley

Appeal No.: V-55-13

Subject Property: Lot 17, Block H, Chapel Oaks Subdivision, being 1411 Farmingdale Avenue,  
Capitol Heights, Prince George's County, Maryland

Witness: Kenny Thomas, Hometown Repair & Remodel

Heard and Decided: August 7, 2013

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 a variance 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. Petitioners propose to validate an existing condition and construct a covered front porch. A variance of 7 feet front yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1943, contains 5,966 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 1944. Exhs. 8 and 9.
2. The lot is only 50 feet wide. Exhs. 2 and 4.
3. Petitioners would like to construct a covered front porch over an existing concrete slab (Exhs. 3, 5(A) and 5(B)), but a variance is needed to obtain a building permit. Since the existing house is already only 19 feet from the front street line and the roof of the covered porch would be only 18 feet from the front street line, validation of the location of the house is necessary and a variance of 7 feet front yard depth for the proposed covered porch was requested to obtain a building permit to construct the covered porch. Exhs. 2 and 11.
4. Petitioner testified that she has lived at the property for over 20 years and would like a covered front porch for shade. She explained that the heat from the sun has warped her front door.
5. Kenny Thomas, Petitioner's contractor, testified that the proposed porch roof would be constructed over an existing uncovered concrete patio. Exhs. 5(A) and 5(B). He stated that other houses in the neighborhood were similarly built with uncovered porches that were later covered. Exh. 6.

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, the location of the existing dwelling on the lot, the proposed porch roof to be constructed over an existing uncovered concrete patio, the urgent need for a shaded area at the front of the house, 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 7 feet front yard depth in order to validate an existing condition and construct a covered front porch on the property located at Lot 17, Block H, Chapel Oaks Subdivision, being 1411 Farmingdale Avenue, Capitol Heights, 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.