

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-101-16 Joselito Amparo and Ana Lugo

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 28, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on October 24, 2016 , 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
Ernesto Luna, Spanish Language Interpreter

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

Petitioners: Joselito Amparo and Ana Lugo

Appeal No.: V-101-16

Subject Property: Lot 6, Chilcoate Subdivision, being 11711 Chilcoate Lane, Beltsville,
Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Heard and Decided: September 28, 2016

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 25% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition and construct a covered deck. Variances of 5.5 feet front yard depth and 1.1% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1953, contains 10,200 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1954. Exh. 7.

2. Petitioners would like to construct a 16' x 16' covered deck on the rear of the dwelling, but variances are needed to obtain a building permit. Since construction of the deck would cause the allowed amount of net lot coverage (25%) to be exceeded, a variance of 1.1% net lot coverage was requested. Exhs. 12 and 13.

3. In addition, a variance is needed to validate the location of the existing dwelling before a permit may be obtained. Since the existing covered front porch is located 19.5 feet from the front street line, a variance of 5.5 feet front yard depth was also requested. Exh. 13.

4. Petitioner Joselito Amparo testified that he has lived at the property for 13 years and would like to build a covered deck on the back of the house. He further testified that he added the front porch to replace a smaller porch on the front of the house for protection of the area around his front door.

5. Mr. Amparo further stated that an existing door that cannot currently be used will access the proposed covered deck from the house. Exh. 5(B).

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 location of the pre-existing covered front porch requiring validation, the proposed addition meeting all current setback requirements, the proposed covered deck providing an additional safety exit from 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 variances of 5.5 feet front yard depth and 1.1% net lot coverage in order to validate an existing condition and construct a 16' x 16' covered deck on the property located at Lot 6, Chilcoate Subdivision, being 11711 Chilcoate Lane, Beltsville, 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.