



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-112-21 James and Elizabeth Concha

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: January 26, 2022.

CERTIFICATE OF SERVICE

This is to certify that on May 27, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone", is positioned above a typed name and title.

Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPCC, 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: James and Elizabeth Concha

Appeal No.: V-112-21

Subject Property: Lot 11, Block 59, Riverdale Park Subdivision, being 5909 Taylor Road, Riverdale Park, Prince George's County, Maryland

Municipality: Riverdale Park

Witness: Juan Garzon, Contractor

Heard: December 15, 2021; Decided: January 26, 2022

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 (front yard depth) and obtain a building permit for the construction of a porch. A variance of a variance of 7.9 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1937, contains 6,300 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, patio and 2 sheds. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).

2. The subject lot is located on a corner lot with the legal front being Taylor Road and the side street being Oglethorpe Street. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).

3. Petitioners propose to validate an existing condition (front yard depth) and obtain a building permit for the construction of a covered open front porch. A variance of 7.9 feet front yard setback is required as the current setback is 17.1 feet along Taylor Street. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).

4. The Town of Riverdale Park Council voted on January 3, 2022, to approve the requested variance. Exh. 19.

5. Petitioner James Concha testified that they wish to replace a covered front porch at the front door. He explained that the previous front porch was removed as it was rotting and in disrepair. From his understanding, the Town of Riverdale Park requires that the front door be covered with some type of covering based on Riverdale Park codes. Exhs. 2, 3 (a) thru (f) and 5 (A) thru (F).

6. In looking through the neighborhood, Mr. Concha has seen covered porches, but his proposed porch will be a bit broader by 5 feet to accommodate chairs and will have wider steps. Exhs. 2, 3 (a) thru (f) and 5 (A) thru (F).

7. Contractor Juan Garzon stated that the permit process had been commenced with the County, but the permit reviewer advised them that a variance must be obtain before the construction.

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

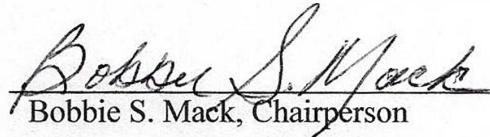
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject property being located on a corner lot with the legal front being Taylor Road, the existing front porch is falling apart and in disrepair, the removal of the structure is for safety, the need to replace the front porch, the desire to enlarge the porch slightly for usable family area outside for chairs, 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 a variance of 7.9 feet front yard depth in order to validate an existing condition (front yard depth) and obtain a building permit for the construction of a porch on the property located at 5909 Taylor Road, Riverdale Park, 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 approved elevation plans, Exhibits 3 (a) thru (f).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, ChairpersonNOTICE

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.

5909 TAYLOR RD RIVERDALE MD 20737 - FRONT PORCH

PROJECT LOCATION:

5909 TAYLOR RD. RIVERDALE MD 20737

PROJECT DESCRIPTION:

ADD NEW FRONT PORCH TO AN EXISTING SINGLE FAMILY DWELLING

OWNER: JAMES & ELIZABETH CONCHA

LOT: 11

BLOCK: 59

LOT AREA: 6,300 SF

APPLICABLE BUILDING CODE: IRC 2015

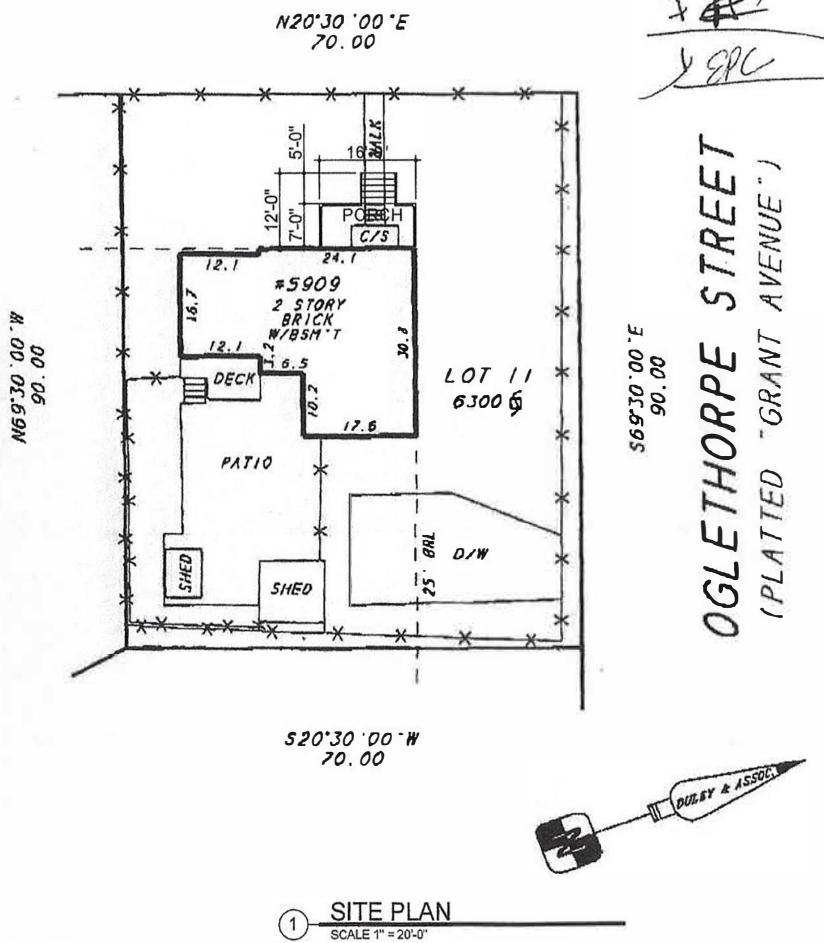
BOARD OF APPEALS

APPROVED JAN 26 2022

ADMINISTRATOR



A EXISTING HOUSE



| OWNER: | STRUCTURAL: | MEP: | COVER SHEET | | | |
|--------------------------|-------------|------|-----------------|---|----|--|
| JAMES & ELIZABETH CONCHA | | | NEW FRONT PORCH | PROJECT PHASE: REVISION NUMBER: RELEASE DATE: May 2th, 2019 SCALE: | CS | |

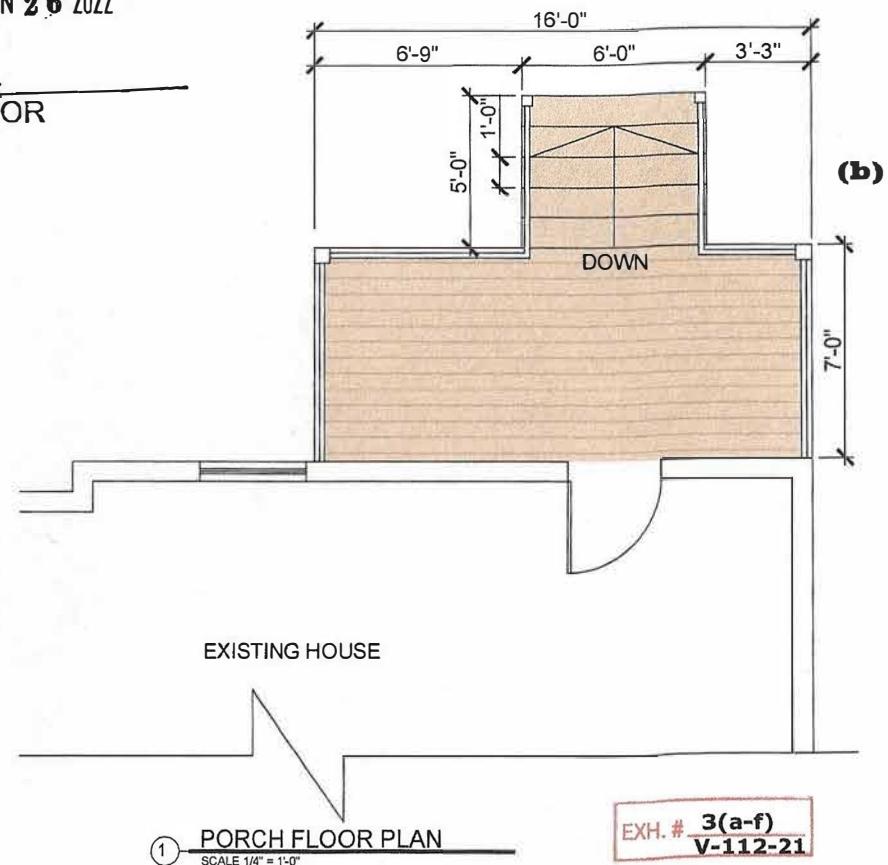
BOARD OF APPEALS

APPROVED JAN 26 2022

Administrator
ADMINISTRATOR



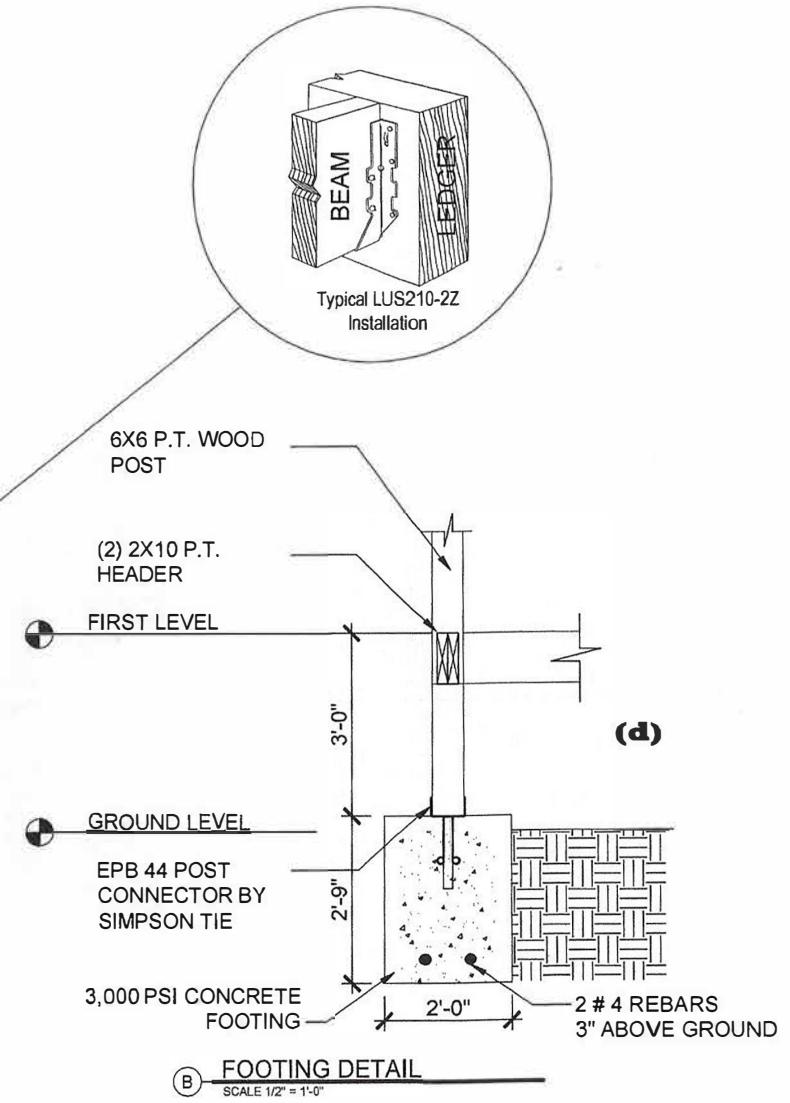
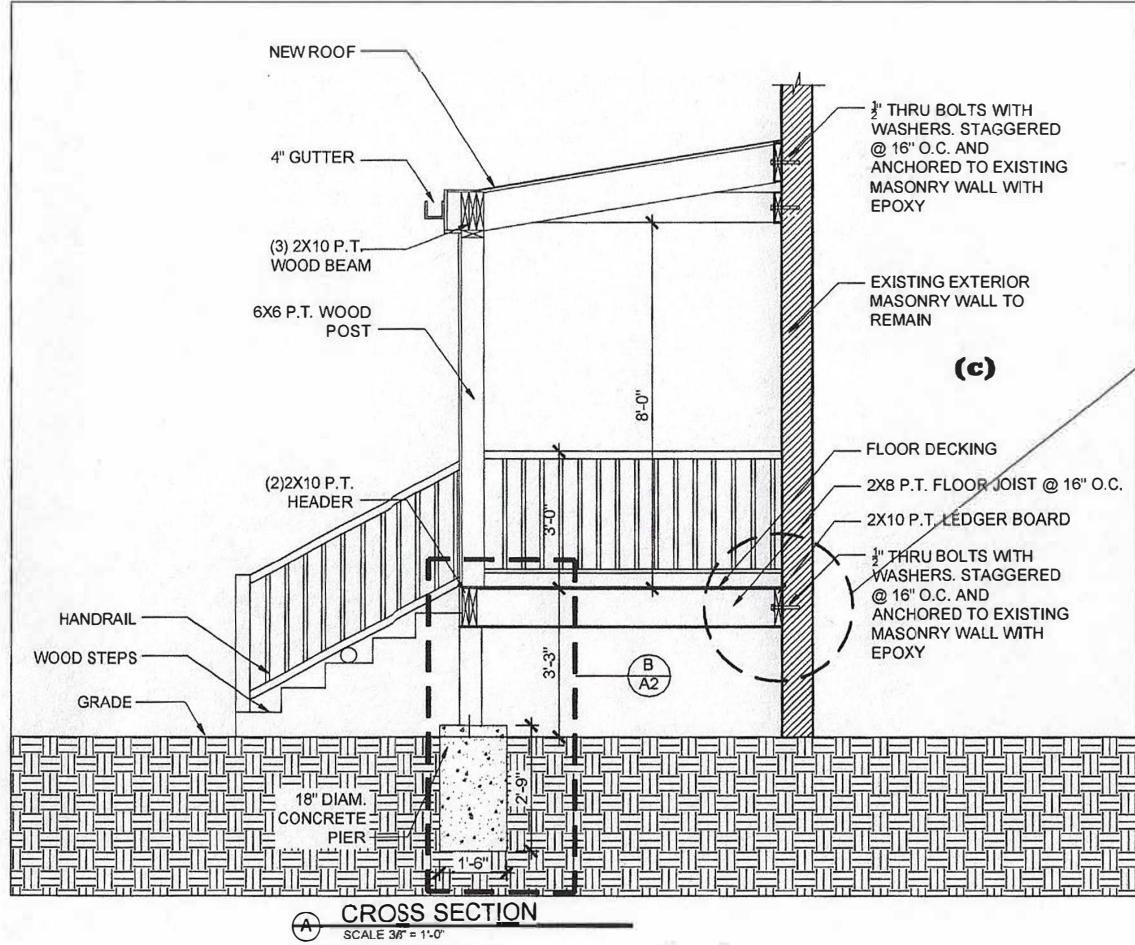
(a)



① PORCH FLOOR PLAN
SCALE 1/4" = 1'-0"

EXH. # 3(a-f)
V-112-21

| OWNER: | STRUCTURAL: | MEP: | PLAN AND ELEVATION | |
|--------------------------|-------------|------|--------------------|--|
| JAMES & ELIZABETH CONCHA | | | NEW FRONT PORCH | PROJECT PHASE: REVISION NUMBER: RELEASE DATE: 7.19.20 SCALE: A1 |



| OWNER: | STRUCTURAL: | MEP: | BOARD OF APPEALS | SECTION |
|--------------------------|-------------|------|----------------------|---|
| JAMES & ELIZABETH CONCHA | | | APPROVED JAN 26 2022 | |
| | | | NEW FRONT PORCH | PROJECT PHASE: REVISION NUMBER: RELEASE DATE: 7.19.20 SCALE: |

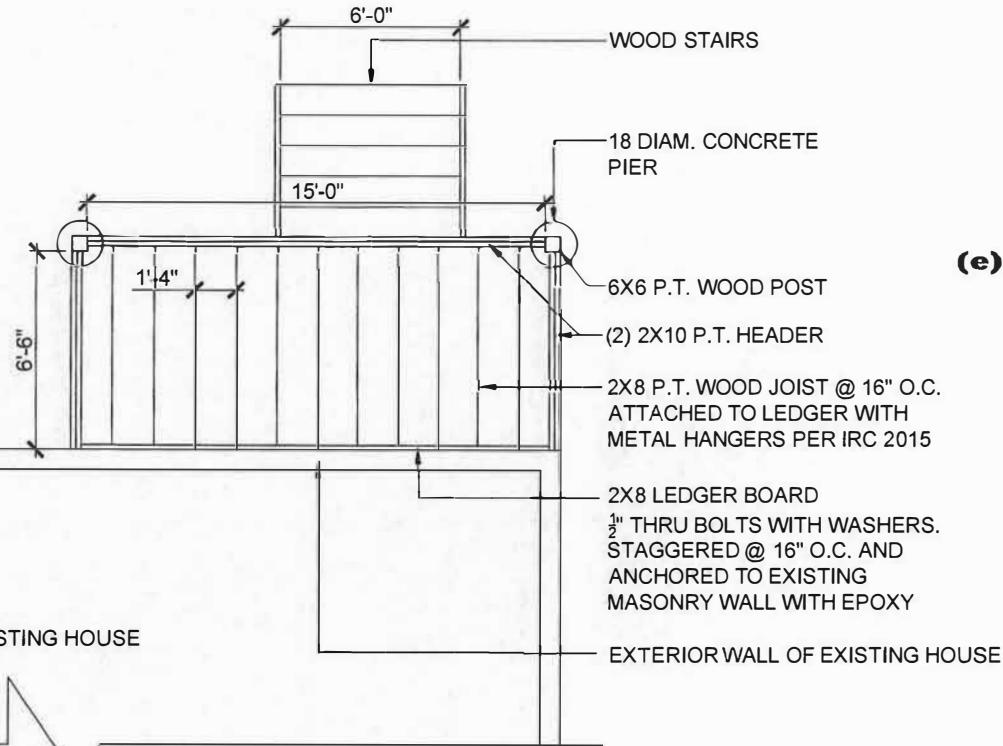
D. Stone
ADMINISTRATOR

A2

BOARD OF APPEALS

APPROVED JAN 26 2022

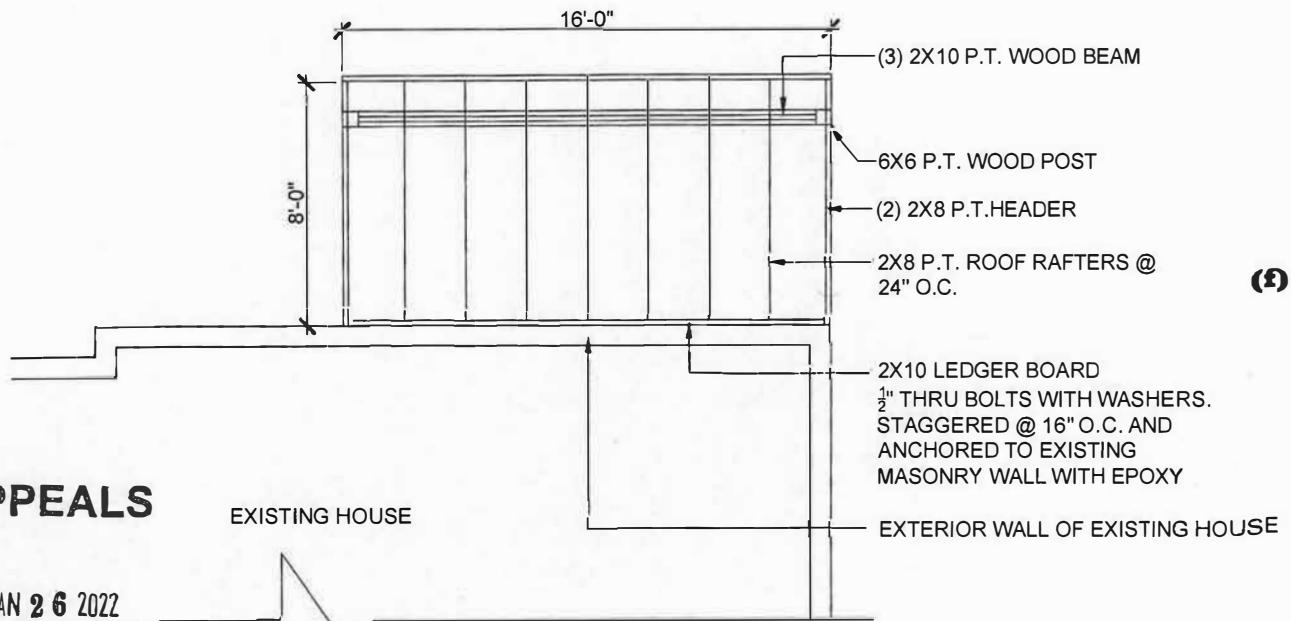
B. Stone
ADMINISTRATOR



Ⓐ FOUNDATION / FLOOR FRAMING PLAN
SCALE 1/4" = 1'-0"

| OWNER: | STRUCTURAL: | MEP: | FRAMING PLAN | |
|--------------------------|-------------|------|-----------------|---|
| JAMES & ELIZABETH CONCHA | | | NEW FRONT PORCH | PROJECT PHASE: REVISION NUMBER: RELEASE DATE: 7.19.20 SCALE: |

A3



BOARD OF APPEALS

APPROVED JAN 26 2022

B. Stone
ADMINISTRATOR

(A) ROOF FRAMING PLAN
SCALE 1/4" = 1'-0"

| OWNER: | STRUCTURAL: | MEP: | ROOF FRAMING PLAN | | |
|--------------------------|-------------|------|-------------------|---|----|
| JAMES & ELIZABETH CONCHA | | | NEW FRONT PORCH | PROJECT PHASE: REVISION NUMBER: RELEASE DATE: 7.19.20 SCALE: | A4 |