



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.


Barbara J Stone
Administrator

cc: Petitioner
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: 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

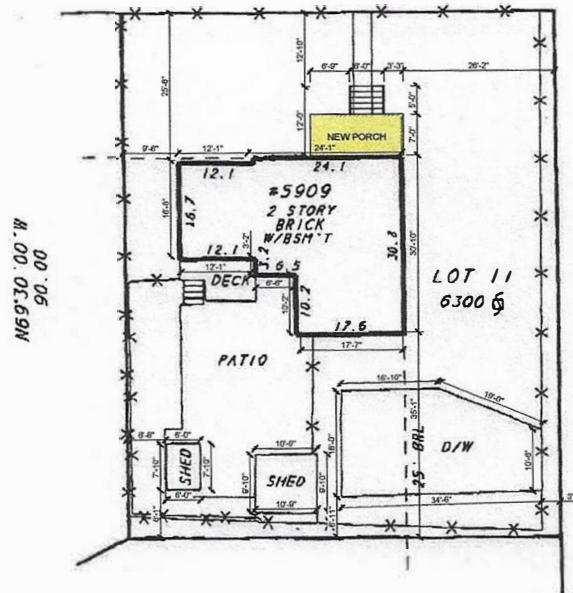
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

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.

TAYLOR ROAD (PLATTED "TAYLOR AVENUE")

N20°30'00"E
70.00



Rec'd, fence
not on property
line noted &
approved
JPC

OGLETHORPE STREET
(PLATTED "GRANT AVENUE")

S89°30'00"E
90.00

S20°30'00"W
70.00



EXH. # 2
V-112-21

LOCATION SURVEY OF:

#5909 TAYLOR ROAD

LOT 11 BLOCK 59

WATERS RESUBDIVISION OF

RIVERDALE PARK

19TH ELECTION DISTRICT

PLAT BOOK 4 PAGE 86

PRINCE GEORGE'S COUNTY, MD

SCALE 1"=20' DATE: 6-17-04

CASE # R0406031

YANCEY

FILE # 043816-241

DRAWN BY: B.G.

A LAND SURVEYING AND DESIGN COMPANY



**DULEY
AND
ASSOCIATES, INC.**
SERVING D.C., M.D., VA.



HOUSE LOCATION SURVEYS
BOUNDARY SURVEYS - ALTA SURVEYS
TOPOGRAPHIC SURVEYS - SITE PLANS

8450 PENNSYLVANIA AVE.
UPPER MARLBORO, MD. 20776

PHONE: 301-888-1113
PHONE: 1-888-88-DULEY

FAX: 301-888-1114
FAX: 1-888-88-DULEY

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT THE EXISTING VISIBLE IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN CAREFULLY ESTABLISHED BY ACCURATE MEASUREMENTS AND THAT THE IMPROVEMENTS APPEAR TO LIE WITHIN CLASS 5000 S. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF ANY FENCE, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF USEFULNESS TO A CONVEYOR ONLY INsofar AS IT IS REQUIRED BY A LEGAL TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1". NO TITLE REPORT WAS FURNISHED TO OR BY DULEY & ASSOCIATES, INC. COMPANY, SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND DISCLOSURES OF RECORD, BUILDING RESTRICTIONS LINES AND EASEMENTS NOT SHOWN ON RECORD PLAT MAY NOT BE SHOWN HEREON.

BOARD OF APPEALS

APPROVED JAN 26 2022

By Stone
ADMINISTRATOR

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

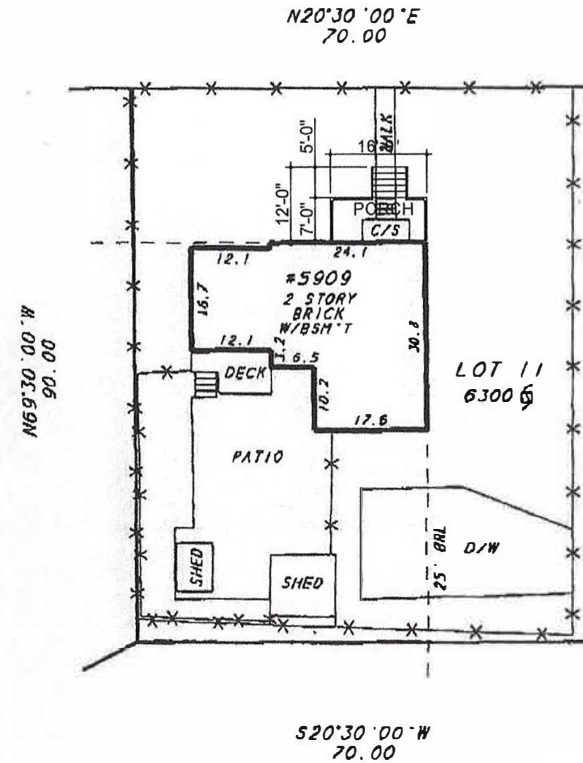
BOARD OF APPEALS

APPROVED JAN 26 2022

Bj Stone
ADMINISTRATOR



Ⓐ EXISTING HOUSE



① SITE PLAN
SCALE 1" = 20'-0"

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

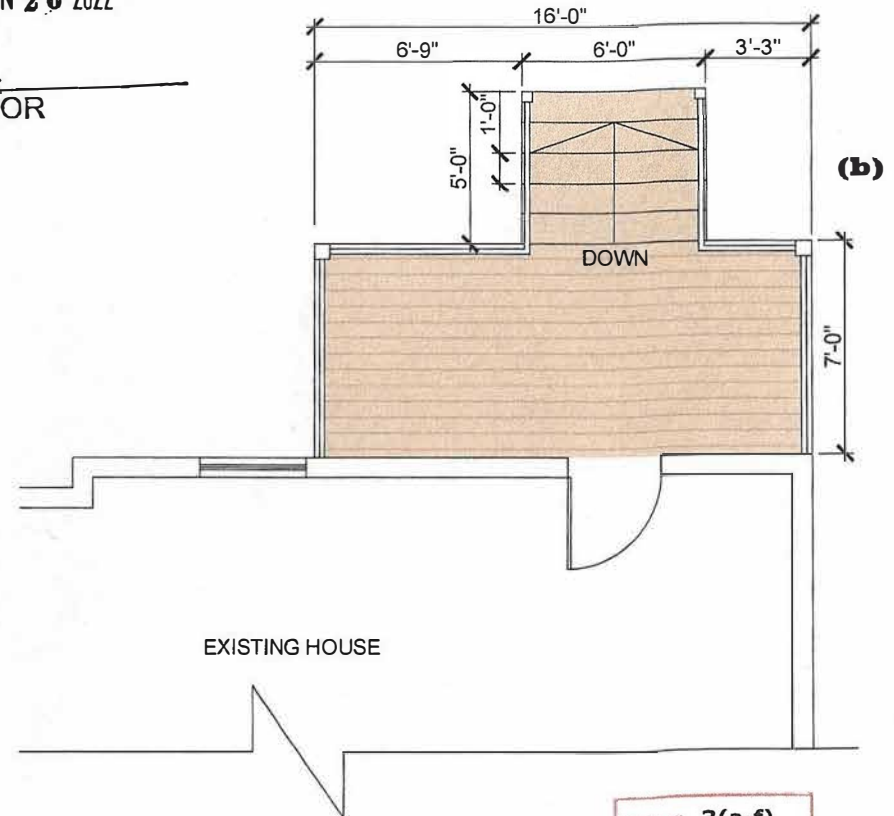
BOARD OF APPEALS

APPROVED JAN 26 2022

By Stone
ADMINISTRATOR



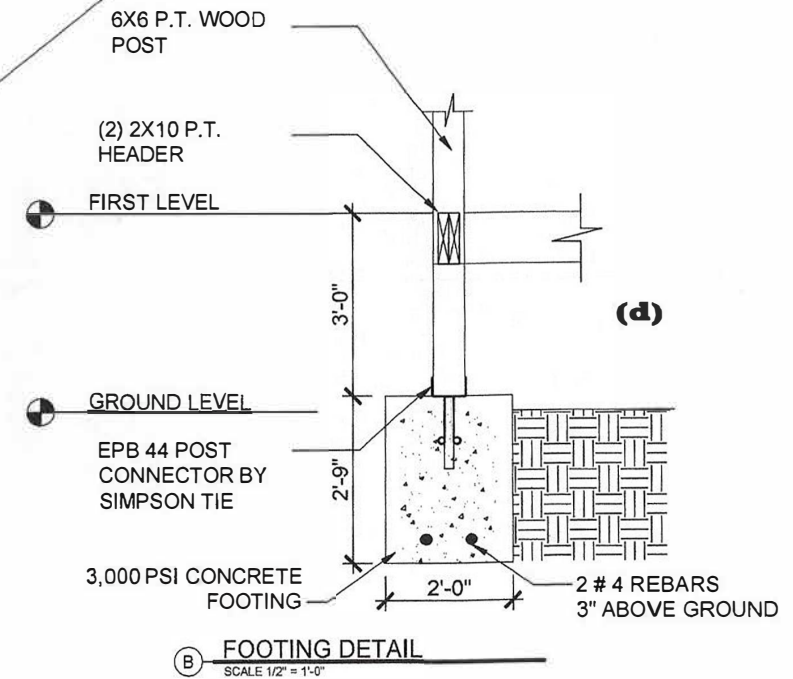
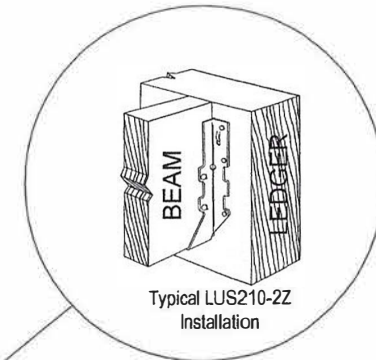
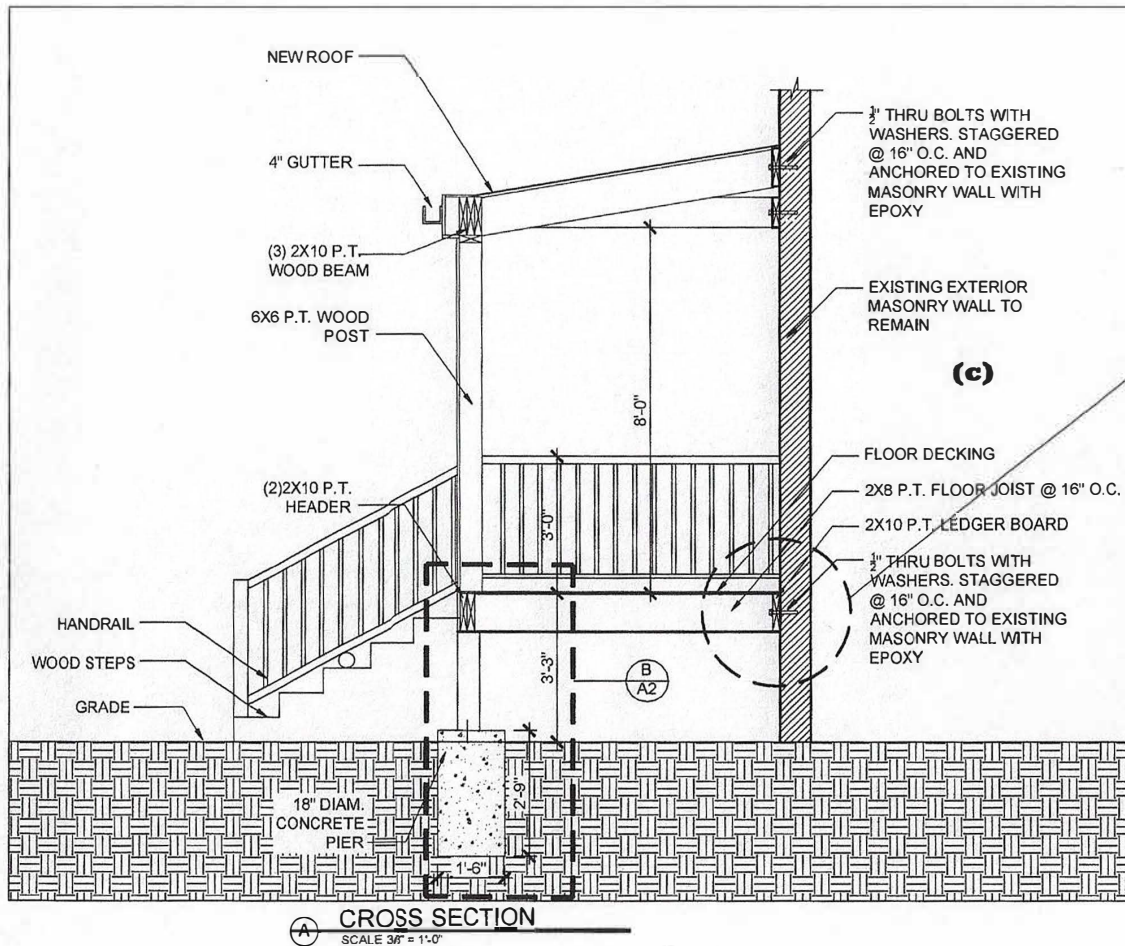
(A) FRONT ELEVATION
SCALE 1/4" = 1'-0"



(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:	SECTIONS	
JAMES & ELIZABETH CONCHA	BOARD OF APPEALS		NEW FRONT PORCH	PROJECT PHASE:
	APPROVED			REVISION NUMBER:
	JAN 26 2022			RELEASE DATE: 7.19.20
				SCALE:
				A2

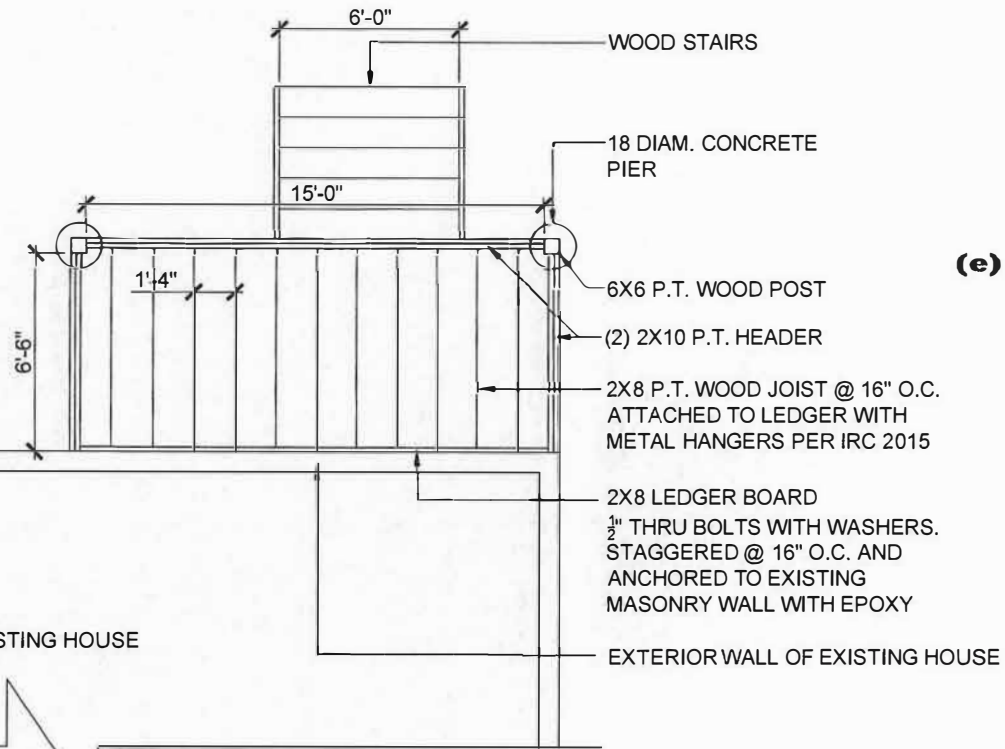
By Stone
ADMINISTRATOR

BOARD OF APPEALS

APPROVED JAN 26 2022

ADMINISTRATOR

EXISTING HOUSE



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

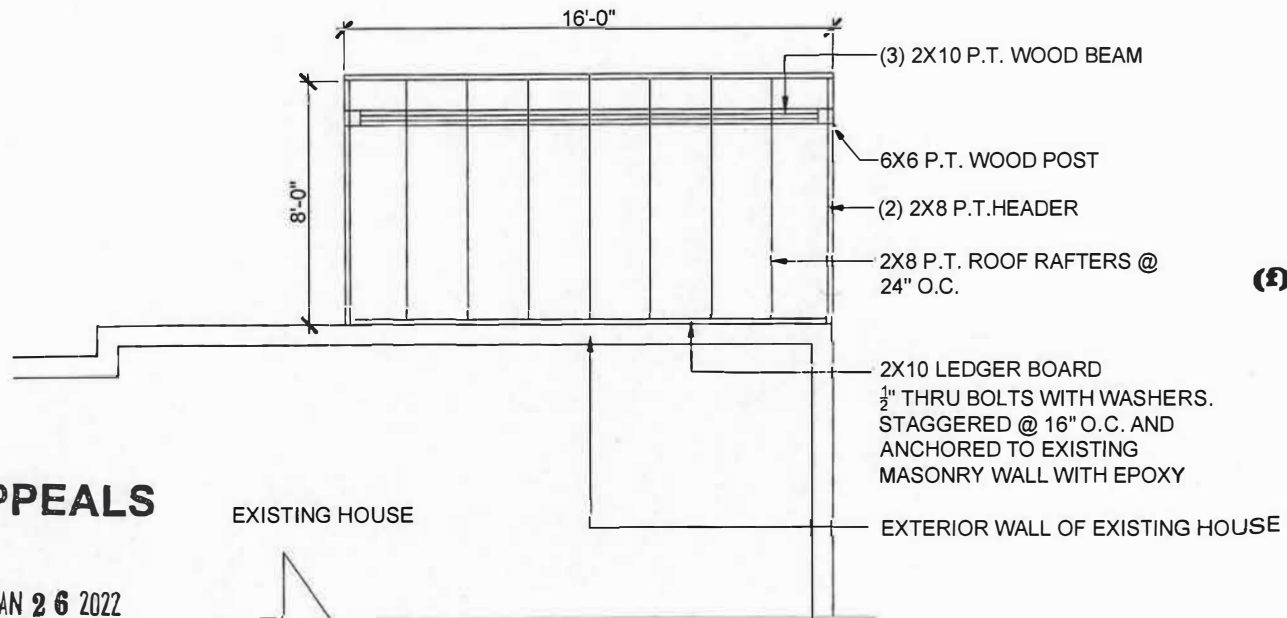
FRAMING PLAN

OWNER:	STRUCTURAL:	MEP:	NEW FRONT PORCH		PROJECT PHASE:	A3
JAMES & ELIZABETH CONCHA					REVISION NUMBER:	
					RELEASE DATE: 7.19.20	
					SCALE:	

BOARD OF APPEALS

APPROVED JAN 26 2022

ADMINISTRATOR



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

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