

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-185-07 Maritza Argueta

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 16, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on February 8, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
DER, Building Code Official, Permit & Review Div.
M-NCPPC, Permit Review Section

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

Petitioner: Maritza Argueta

Appeal No.: V-185-07

Subject Property: Lot 24, Block O, Langley Park Subdivision, being 1717 Langley Way, Hyattsville,
Prince George's County, Maryland

Witness: Grecia Argueta, Petitioner's daughter (acted as interpreter)

Heard: November 28, 2007; January 16, 2008

Decided: January 16, 2008

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, Petitioner requests 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 a side yard at least 8 feet in width, 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. Petitioner proposes to validate existing conditions and obtain a building permit for a new one-story addition and a new two-story addition. Variances of 3 feet front yard depth, 6.7 feet side yard width and 6.2% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 6,900 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The existing house was built in 1950 (Exhibit 6).
2. The property is 115 feet deep but only 60 feet wide (Exhibits 2 & 3).
3. Petitioner has constructed new additions on the rear of the existing building, the one-story addition being 27.20' x 17.6' and the two-story addition being 15.5' x 10.9'. The additions were constructed without obtaining a building permit.
4. Petitioner received Violation Notice BVN 17404-2006 from the Department of Environmental Resources, Licenses and Inspections Division (Exhibit 5) requiring that a building permit be obtained for the additions or the additions be removed.
5. To obtain a building permit, existing conditions must be validated. Since the one-story addition is located 1.3 feet from the right side lot line, a variance of 6.7 feet side yard width was requested. Since

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.