

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-1-08 Pedro Medrano

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: April 2, 2008.

CERTIFICATE OF SERVICE

This is to certify that on April 16, 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.
DER, Community Services Div.
DER, Licenses & Inspections Div.
M-NCPPC, Permit Review Section
Lewisdale Citizens Association

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

Petitioner: Pedro Medrano

Appeal No.: V-1-08

Subject Property: Lot 29, Block 27, Lewisdale Subdivision, being 2214 Beechwood Road, Hyattsville,
Prince George's County, Maryland

Witness: Ermalinda Ramirez, Wife of Petitioner
William Edelen, County Zoning Inspector

Heard: February 13, 2008; April 2, 2008

Decided: April 2, 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 covered front porch, existing shed and existing 6-foot-high fence. Variances of 3.4 feet front yard depth, 4.5 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 6,660 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed.
2. The existing house was built in 1951 and Petitioner purchased the property in 2002 (Exhibit 8).
3. Petitioner received Violation Notice No. BVN 32776-2007 from the Department of Environmental Resources, Licenses & Inspections Division ("DER"), requiring that he obtain a building permit for the covered front porch addition, a shed, a 6-foot fence and a driveway extension on the property (Exhibit 6).
4. Petitioner has constructed an 8' x 4' covered front porch 21.6 feet from the front street line, an existing 4' x 13' covered deck on the side of the house is located 4 feet from the side lot line, and structures and driveway area cover more than the allowed amount of net lot area. Variances of 3.4 feet

front yard depth, 4.5 feet side yard width and 6.2% net lot coverage were requested to validate existing conditions and obtain a building permit.

5. Petitioner testified that the fence existed when he purchased the property. He testified that he constructed the front porch in 2007, obtained a building permit to construct the driveway and replaced an old shed that was destroyed when a tree fell on it with the current shed of the same size (See Exhibit 14(B)).

6. Ermalinda Ramirez, wife of Petitioner, testified that there are other covered front porches in the neighborhood.

7. William Edelen, a DER zoning inspector, confirmed in testimony that a permit was obtained by Petitioner to put in driveway in 2005 (see Exhibit 7). Inspector Edelen visited the site, investigated the permit history for the subject property and informed the Board that all building code issues associated with the violation notice had been satisfied except with regard to the front porch (Exhibit 17).

8. In comments, dated February 13, 2008, Lewisdale Citizens Association did not object to validation of the covered front porch, but opposed validation of all other existing conditions of the subject property requiring a variance (Exhibit 13). In comments, dated April 2, 2008, the Association opposed approval of all variances (Exhibit 23).

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 existing conditions on the property, the existing house being built many years ago, Petitioner having obtained a building permit to extend the existing driveway, a preexisting shed destroyed by a fallen tree having been replaced with a shed of the same size, the fence and covered deck on the right side of the house existing when Petitioner purchased the property, all violation issues other than a permit for the porch having been addressed to DER's satisfaction, 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 3.4 feet front yard depth, 4.5 feet side yard width and 6.2% net lot coverage in order to validate existing conditions and obtain a building permit for a new covered front porch on the property located at Lot 29, Block 27, Lewisdale Subdivision, being 2214 Beechwood Road, Hyattsville, Prince George's County, Maryland, be and are

hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18, and the approved elevation plans, Exhibit 3(a)&(b).

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.