

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-16-10 Shahana Begum, Mustafa Rahman and Mahabub Rahman

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: May 5, 2010.

CERTIFICATE OF SERVICE

This is to certify that on May 18, 2010, 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
Park and Planning Commission
Municipality

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

Petitioners: Shahana Begum, Mustafa Rahman and Mahabub Rahman

Appeal No.: V-16-10

Subject Property: Lot 13, Block 29, Riverdale Park Subdivision, being 5000 East West Highway,
Riverdale Park, Prince George's County, Maryland

Municipality: Town of Riverdale Park

Heard and Decided: May 5, 2010

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 requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a minimum side yard along the side street at least 25 feet in depth. Petitioners propose to validate existing conditions and enclose an existing covered porch into a sunroom. A variance of 6 feet side street yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 6,595 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. See Exhibits ("Exhs.") 2, 4, 7. The property was improved with a single-family dwelling in 1900. See Exh. 7.
2. The property is a corner lot with the house facing the legal side street (East-West Highway) and the driveway accessing the property from the legal front street (Taylor Road). See Exh. 2. The west side of the lot, where the two streets intersect, is approximately 10 feet shallower than the east side of the lot.
3. Petitioners would like to enclose an existing 17.3' x 7' deck into a sunroom, but the requested variance is needed in order to obtain a building permit for the proposed construction. Since the deck is located 19 feet from the side street line, a variance of 6 feet side street yard depth was requested to validate existing conditions and enclose it into a sunroom. See Exh. 11.
4. Petitioner Mustafa Rahman testified that he would like to convert the porch into a sunroom to provide family protection and privacy on East-West Highway.
5. Mr. Rahman further testified that the proposed sunroom would be no larger than the existing porch, would not extend any farther forward than the next door neighbor's porch and would blend in with the other houses in the neighborhood that have enclosed porches. He explained that siding to match the house will be added around the sunroom windows.

6. The Town of Riverdale Park took no position on the request for the variance. See Exh. 16.

7. The Historic Preservation and Public Facilities Planning Section of the Maryland-National Capital Park and Planning Commission stated that the property lies within the Riverdale Park National Register Historic District and that the proposed improvement will have no effect on identified Historic Sites, Resources or Districts. See Exh. 15.

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 property being a corner lot with the house facing the legal side street, one side of the lot being shallower than the other side, the house being built many years ago, the proposed sunroom having the exact same footprint as the existing porch, the proposed sunroom providing protection and privacy to the family on a busy thoroughfare, 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 6 feet side street yard depth in order to validate existing conditions and enclose an existing 17.3' x 6.8' covered porch into a sunroom on the property located at Lot 13, Block 29, Riverdale Park Subdivision, being 5000 East West Highway, 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 the approved elevation plans, Exhibits 3(A)-(C).

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.