

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-37-08 Adrienne Allegretti & Michel Roller

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 7, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on May 21, 2008, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

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

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

Petitioners: Adrienne Allegretti & Michel Roller

Appeal No.: V-37-08

Subject Property: Lot 5, Block 44, Riverdale Park Subdivision, being 4503 Riverdale Road, Riverdale,
Prince George's County, Maryland

Municipality: Town of Riverdale Park

Witness: William Reames, Patio Enclosures, Inc.

Heard and Decided: May 7, 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, Petitioners request that the Board approve 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, 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. Petitioners propose to validate existing conditions and convert a covered porch into an enclosed screened porch. Variances of 15.5 feet front yard depth and 10.6% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1889 and recorded in 1930, contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling (with two porches), detached garage and driveway. The existing house was built in 1921. See Exhibits 2, 5 & 7.

2. Petitioners would like to convert the existing 7'8" x 16'1" covered porch, located on the side of the house, into a screened porch by enclosing it with rolling screened windows and screened doors (Exhibit 1). Although the footprint of the house structure will not change with the proposed screened porch, the allowed amount of lot coverage has already been exceeded by existing buildings and driveway area on the property. Petitioners' site plan indicates that an existing covered front porch is located 9.5 feet from the front street line. Since variances must be obtained to validate these existing conditions before a permit may be issued, variances of 10.6% net lot coverage and 15.5 feet front yard depth were requested.

3. Petitioner Michel Roller testified that the two porches, garage and driveway existed when he purchased the subject property 6 years ago. He stated that a neighbor has an identical porch to his porch and believes his garage was built in the 1930's or 1940's. He further believes that it would be a hardship to remove any of the existing infringing structures.

4. William Reames, Petitioners' contractor, testified that the proposed screened porch would be built under the existing roof. He stated that Petitioners have an extraordinary situation in that their house was built so long ago that it does not meet the current setback requirement, the existing conditions on the property pose a hardship in that Petitioners cannot make any improvements to their property without variances, and believes that because the proposed porch is in harmony with the community, it would not impair the Master Plan or General Plan.

5. The Town of Riverdale Park recommended approval of the request (Exhibit 13).

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 house being built in 1921, the existing conditions on the property, the proposed screened porch being built under an existing roof on the same footprint as the existing side porch, 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 variances of 15.5 feet front yard depth and 10.6% net lot coverage in order to validate existing conditions and convert a covered porch into an enclosed screened porch on the property located at Lot 5, Block 44, Riverdale Park Subdivision, being 4503 Riverdale Road, Riverdale, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.

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.