



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-15-24 Johanna I. Jandres Serrano, Etal

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: June 20, 2024.

CERTIFICATE OF SERVICE

This is to certify that on October 4, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Barbara J Stone", is written over a horizontal line.

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

Petitioner: Johanna I. Jandres Serrano, Etal

Appeal No.: V-15-24

Subject Property: Lot 2, Block 9, Lewisdale Subdivision, being 2203 Banning Place, Hyattsville,
Prince George's County, Maryland

Heard and Decided: June 20, 2024

Certified Spanish Interpreter: Ruben Sotogomez

Board Members Present and Voting: Wm. Carl Isler, Vice Chairman

Renee Alston, Member

Teia Hill, Member

Board Member Absent: Bobbie S. Mack, Chairperson

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 27-3303 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-11002 (1)(a) prescribes that no parking space, parking area, or parking surface other than a driveway no wider than its associate garage, carport, or other parking structure may be built in the front yard of a dwelling, in the area between the front street line and the sides of the dwelling. The petitioner proposes to obtain a building permit for the proposed driveway in front of the house (20'x24'). A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1946, contains 7,830 square feet, is zoned RSF-65 (Residential, Single-Family - 65), and is improved with a single-family dwelling, deck, brick patio, and shed. Exhibits (Exhs.) 2, 3, 6, 7, and 8 (A) thru (E).
2. The subject lot has a unique and irregular shape, with sharply angled rear lot lines (Exhs. 2 and 3).
3. The petitioner proposes to obtain a building permit for the proposed driveway in front of the house (20'x24'). A waiver of the parking area location requirement is requested. Exhs. 2, 3, 6, 7, and 8 (A) thru (E).
4. Petitioner Johanna Jandres Serrano testified that she proposes to build a driveway in front of her house with dimensions of 20'x24'. She presented this proposal because it is challenging for her to find parking at night. There is no parking permit on my street, but there are parking permits on the street behind her house. She does have young children and is very concerned for their safety as she has to park a long distance from her house at night. Both of her adjacent neighbors have driveways. Exhs. 2 and 4 (A) thru (M).
5. Vice Chair Isler noted that the lot is irregularly shaped, as the rear yard has two angles and is different from the surrounding properties. Given the property size, a driveway on the side of the house is not possible, so this would be the only option for a driveway for the property. Exhs. 2 and 3.

6. Board Member Alston noted that she does not believe that adding a driveway would change the character of the property. To be clear, even with the addition of the driveway, the lot will remain what it is. Vice Chair Isler noted that he agrees that it would be reasonably necessary to alleviate the issue.

7. Vice Chair Isler noted that he does not believe that the proposed driveway will impair the use and enjoyment of any neighbor.

8. Ms. Alston noted that she does not believe the issue is self-inflicted. She also questioned the Petitioner about how, if the variance was not granted, that would impact her. Ms. Serrano stated that it would be the same security issues coming home from work at night.

9. Ms. Hill noted that the cause is the shape of the lot, not a self-inflicted matter; it is the configuration of the property.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Findings of the Board

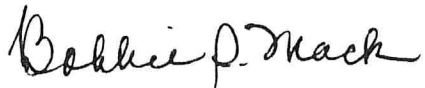
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-3613(d), more specifically:

The Board determined through the evidence presented in the record that the Petitioner's property is physically unique and unusual in a manner different from the nature of the surrounding properties due to its sharply angled rear lots. Further, the particular uniqueness and peculiarity found on the Petitioner's property causes a zoning provision to impact disproportionately on the property, and strict application of the provision would result in peculiar and unusual practical difficulties. Additionally, there is evidence in the record to support that this variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the

Petitioner's property. Lastly, no evidence was presented that this variance would substantially impair the use and enjoyment of adjacent property, and the topography of the property is the reason for the practical difficulty; therefore, it is not self-inflicted by the Petitioner.

BE IT THEREFORE RESOLVED, **by a 2-0 vote**, Ms. Mack absent, that a waiver of the parking area location requirement in order to obtain a building permit for the proposed driveway in front of the house (20'x24') on the property located at 2203 Banning Place, Hyattsville, 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 16.

BOARD OF ZONING APPEALS

By: 
Bobbie S. Mack, Chairperson

APPROVED FOR LEGAL SUFFICIENCY

By: 
Ellis Watson (Sep 16, 2024 18:25 EDT)
Ellis Watson, Esq.

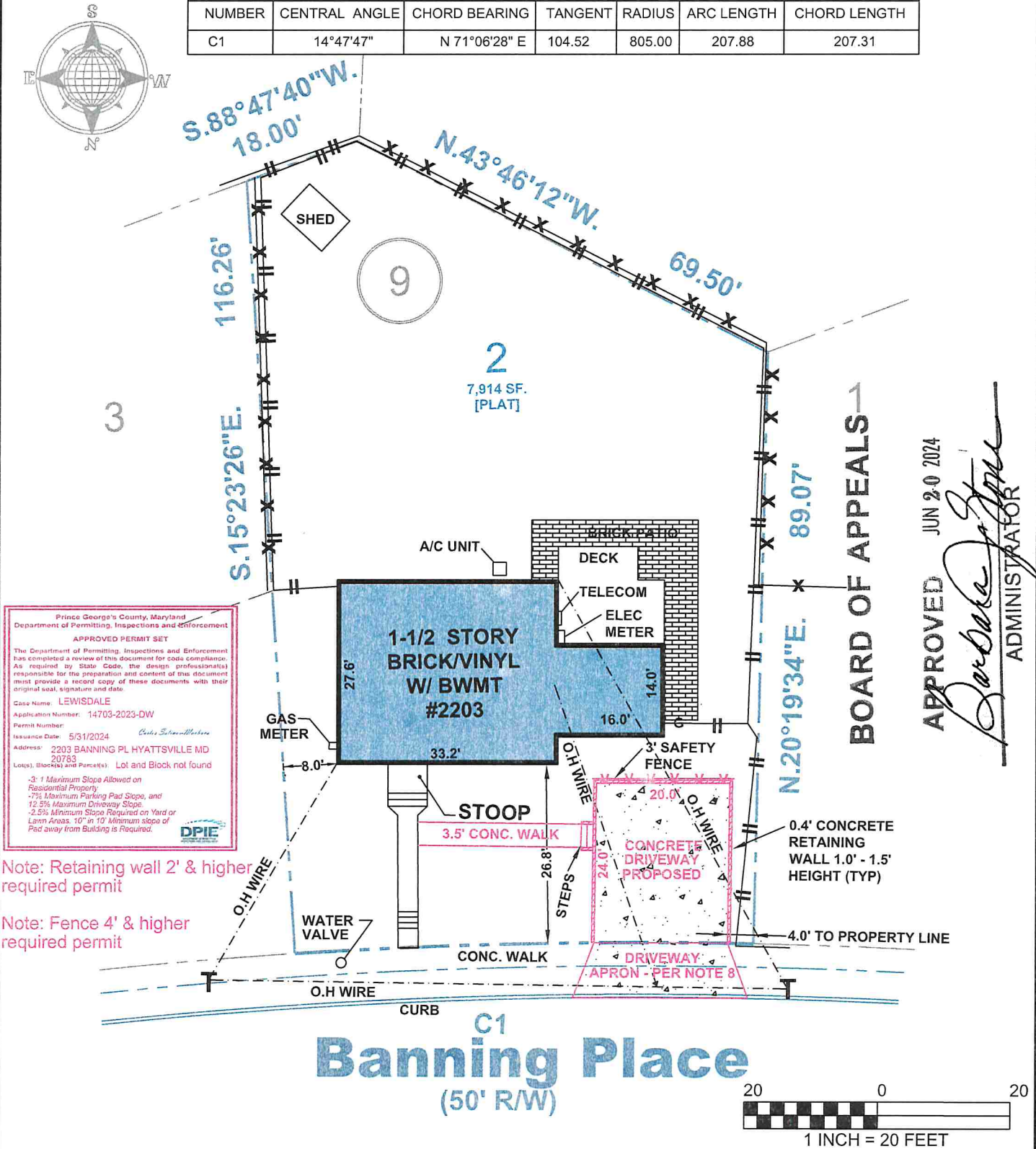
NOTICE

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 27-3613(c)(10)(B) 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.

CURVE DATA						
NUMBER	CENTRAL ANGLE	CHORD BEARING	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	14°47'47"	N 71°06'28" E	104.52	805.00	207.88	207.31



Certification:
I hereby certify to the best of my professional knowledge, information, and belief, this information is correct and is based upon measurements and observations conducted by and under my direct supervision.

- Notes:**
- The location of improvements shown hereon are derived from field survey performed on property.
 - Location of utilities and fixtures unless dimensioned are approximately as noted.
 - Elevation contour line overlay, if provided, extrapolated from GIS and NOAA databases.
 - Location and dimensions of underground fixture or improvements representative, actual size may vary.
 - This survey was performed without the benefit of a title report.
 - Property line survey recommended to determine the exact location of improvements and/or encroachments, if any.
 - Property subject to any / all rights-of-way, easements, and / or covenants of record and / or imposed by law.
 - Driveway and Apron to be installed per DPW&T driveway standards (STD 200.01-200.09).



License Expires: 12/6/2024
PATRICK J. SWEENEY - Professional Engineer - MD, License No. 18941

SITE PLAN		
2203 Banning Place		
Prince George's County, Maryland		
LOT: 2	BLOCK: 9	PLAT: A-1037
PLAT ENTITLED: LEWISDALE		
PLAT BOOK: 10		PAGE: 84
LIBER: 48649	FOLIO: 24	CASE NO. RIVERA
SCALE: 1"=20'	DATE: 7/10/2023 R1	JOB NO.: LK230369