



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

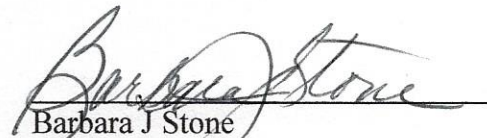
NOTICE OF FINAL DECISION OF BOARD OF APPEALS

RE: Case No. V-11-20 Juan Carlos Pinto Herbas

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: September 23, 2020.

CERTIFICATE OF SERVICE

This is to certify that on November 9, 2020, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


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: Juan Carlos Pinto Herbas

Appeal No.: V-11-20

Subject Property: Parcel 264, Map 0073, Grid 00A4, being 5514 Walker Mill Road, Capitol Heights
Prince George's County, Maryland

Witness: Inspector Juan Swann, Department of Permitting, Inspections and Enforcement

Heard and Decided: September 23, 2020

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 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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall generally be located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces the side street. Petitioner proposes to validate existing conditions (rear yard depth and 2 accessory buildings) and obtain a building permit for unauthorized construction of two sheds in the front yard. A variance of 20 feet rear yard depth/width and a waiver of the rear yard location requirement for accessory buildings (two-sheds) are requested.

Evidence Presented

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

1. The property was subdivided by deed (L.11791 F.187) in 2002, contains 2.59 acres, is zoned R-T (Townhouse) and is improved with a single-family dwelling, **two** connecting gravel driveways, parking area and two sheds. Exhibits (Exhs.) 2, 3, 4, 5, 6, 12, 13 and 14 (A) thru (F).
2. The property is odd shaped, as in a parallelogram. The driveway has private access to Walker Mill Drive. Exhs. 2, 3, 4, 5, 6, 12, 13 and 14 (A) thru (F).
3. Petitioner proposes to validate existing conditions (rear yard depth and two accessory buildings) and obtain a building permit for unauthorized construction of two sheds in the front yard. With the structure having been built in 1890, at the rear property line, the current rear setback is not being met requiring a 20 feet rear setback. Due to the location of the dwelling, both the driveway and parking lot are located in front of the dwelling requiring a waiver of the parking area location. Exhs. 2, 7 (a) thru (b), 8 (a) thru (b) and 9 (A) thru (E).
4. Petitioner Juan Pinto testified that when he purchased the property approximately a year ago, all existing structures were in total disrepair. He explained that he was repairing the house as well as replacing the siding on both sheds. The County Inspector placed a stop work order on construction until all required permits were obtained. Mr. Pinto stated that he must obtain a variance and a waiver to complete the

proposed work. Because the property is so large, both sheds are needed to store the larger equipment and tools. Exhs. 2, 7, (a) thru (b), 8 (a) thru (b), 9 (A) thru (E) and 10.¹

5. Inspector Juan Swann indicated that all permits and inspections have been obtained for the subject property.

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.

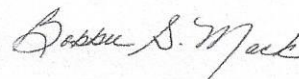
Findings of the Board

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 odd and unique configuration of the property as compared with surrounding properties (lacking depth in the rear yard), the age and disrepair condition of the structures, the preexisting rear location of the dwelling on the property and the residential 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 a variance of 20 feet rear yard depth/width and a waiver of the rear yard location requirement for accessory buildings (two sheds) in order to validate existing conditions (rear yard depth and two accessory buildings) and obtain a building permit for unauthorized construction of two sheds located at 5514 Walker Mill Road, Capitol Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 7 (a) thru (b) and 8 (a) thru (b).

BOARD OF ZONING APPEALS



By:

Bobbie S. Mack, Chairperson

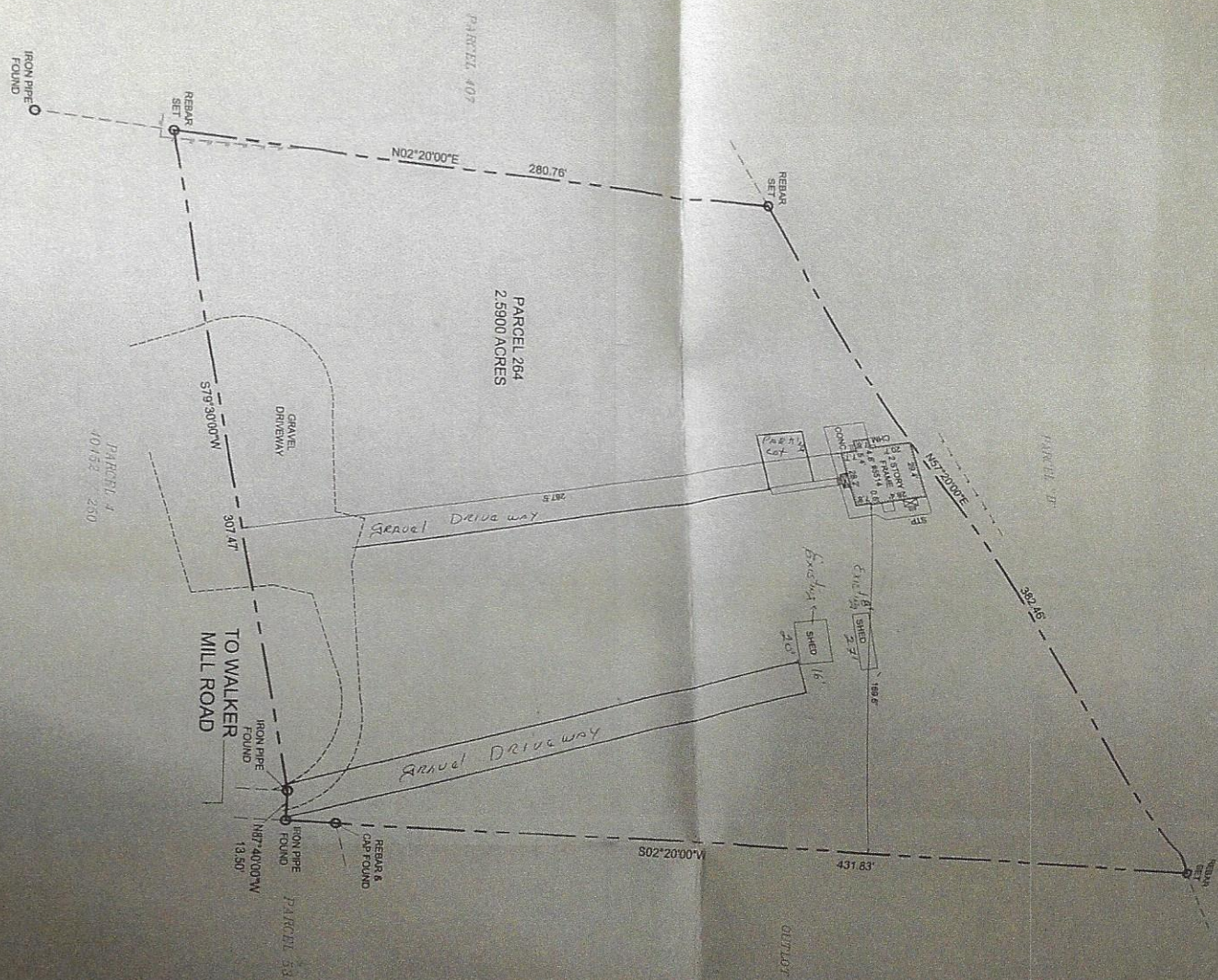
¹ Mr. Pinto explained that when he purchased the property, it was being used to store junk cars which have since been removed. Exhs. 14 (A) thru (F)

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:

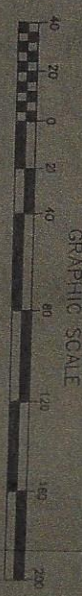
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.



BOARD OF APPEALS

APPROVED SEP 23 2020

[Signature]
ADMINISTRATOR



NOTES:

1. THIS PLAT WAS PREPARED WITHOUT EVENT OF A TITLE REPORT.
2. SUBJECT TO ALL EASEMENTS ON RECORD.

NEELEY CARRY THAT UNLESS OTHERWISE SPECIFIED, ALL DISTANCES SHOWN HEREON ARE TO BE TAKEN AS SHOWN HEREON, AND TO BE TAKEN AS SHOWN HEREON, AND TO BE TAKEN AS SHOWN HEREON, AND TO BE TAKEN AS SHOWN HEREON.

STATE OF MARYLAND
DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION
TAXPAYER'S SERVICE UNIT

DATE: 9/1/2019

BOUNDARY SURVEY
PARCEL 264
LIBER: 38841 FOLD: 493
PRINCE GEORGE'S COUNTY
MARTLAND

SCALE: 1" = 40'
DATE: 9/1/19

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