



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-52-24 Angela Patricia Calvo

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: December 4, 2024.

CERTIFICATE OF SERVICE

This is to certify that on May 1 2025, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

Ellis Watson

Ellis Watson
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of Fairmount Heights

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

Petitioner: Angela Patricia Calvo

Appeal No.: V-52-24

Subject Property: Lot 10 & 11, Block I, Fairmount Heights Subdivision, being 727 61st Avenue, Capitol Heights, Prince George's County, Maryland

Municipality: Fairmount Heights

Heard: December 4, 2024 and Decided: December 4, 2024

Board Members Present and Voting: Omar Boulware, Chair

Phillippa Johnston, Vice Chair

Dwayne A. Stanton, Board 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 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-11002(a) that 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, except a "dwelling, townhouse" or "dwelling, multifamily", in the area between the front street line and the sides of the dwelling. A waiver of the parking area location is requested.

Evidence Presented

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

1. The property was subdivided in 1900, before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, contains 6,250 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling, concrete driveway, second concrete drive (parking area), and cinder block shed. Exhs. 2, 3, 4, 8, and 9..

2. The Petitioner proposes to obtain a building permit for the construction of a 10' x 25' driveway and a 10'x 19' driveway. A waiver of the parking area location is requested. Exhs. 2, 10 (A) thru (F), and 12.

3. The Petitioner, Ms. Calvo, testified that the need for the variance was to initially repair two (2) existing driveways; however, Maryland-National Capital Park & Planning Commission (M-NCPPC) staff indicated the County Code requirements and needed a variance to complete the work. Exh. 2, 6(A) thru (G), and 10

4. Further, Ms. Calvo testified that M-NCPPC staff told her approximately six (6) feet of her driveway needed to be in front of the house. Exh. 2.

5. Additionally, Ms. Calvo testified that her property is unique, and it is difficult to find on-street parking due to her neighbors having several cars that occupy those spaces.

6. Also, Ms. Calvo testified that she desired to improve the “curb appeal” in her neighborhood, and her neighbors are happy with the improvements made when she renovated the preexisting commercial building. Exhs. 2, 6 (A) thru (G), and 10 (A) thru (F).

7. Chair Boulware asked Ms. Calvo about the statement that her property was commercial before the renovations. Ms. Calvo answered that neighbors who grew up in the neighborhood informed her of the commercial nature of the building prior to her purchasing the property.

8. Chair Boulware asked Ms. Calvo about the uniqueness of the property. Specifically, he asked if her neighbors’ lots are similar to her lot. Ms. Calvo answered her lot is a double lot and slightly wider than her neighbors’ lots. Exh. 3.

9. Board Member Stanton asked Ms. Calvo about her statement concerning repairing the driveway versus constructing new driveways. Ms. Calvo answered that her intention was to repair the driveways; however, M-NCPPC staff informed her that the driveways were not wide enough to meet new County Code requirements, and approximately three (3) feet were needed on each side to meet the requirements. Exh. 2.

10. Vice Chair Johnston asked if the letter received from the Town of Fairmount Heights indicated it approved of the driveway aprons found in Ms. Calvo’s application. Administrator Watson answered that Fairmount Heights reviewed the revised site plan and the record in V-52-24 and then submitted its letter of approval. Exh. 15.

11. Vice Chair Johnston made the Motion to Approve V-52-24 and Seconded by Board Member Stanton. Motion carried by a 2-1 vote (Vice Chair Johnston and Board Member Stanton voted in the Affirmative, and Chair Boulware voted Against).

Applicable Code Sections 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:

Due to the subject property being subdivided in 1900 before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, the subject property is physically unique and unusual in a manner different from the nature of surrounding properties due to the small and narrow nature of the Petitioner's lots. The particular uniqueness and peculiarity of the specific property would render, if applied, the Petitioner unable to perform any upgrades to the driveways that are in dire need of repair. Additionally, the Board concluded that these variances are minimally necessary to overcome the exceptional physical conditions found on the property. The Board reviewed the record and found that granting the relief requested would not substantially impair the intent, purpose, and integrity of the General Plan or Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property. Moreover, there was no evidence presented or pertained in the record that the variances would not substantially impair the use and enjoyment of adjacent properties and would increase the aesthetics and "curb appeal" of the Petitioner's property and surrounding neighborhood. Lastly, the Board found the practical difficulty was not self-inflicted due to the Petitioner not commencing construction before seeking a variance.

BE IT THEREFORE RESOLVED, by a 2-1 vote, Chair Boulware voting Against, the waiver of the parking area location requirements on the property located at 727 61st Avenue, Capitol Heights, 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.

BOARD OF ZONING APPEALS

By: 
Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By: 
Keisha A. Garner, Esq.

NOTICE

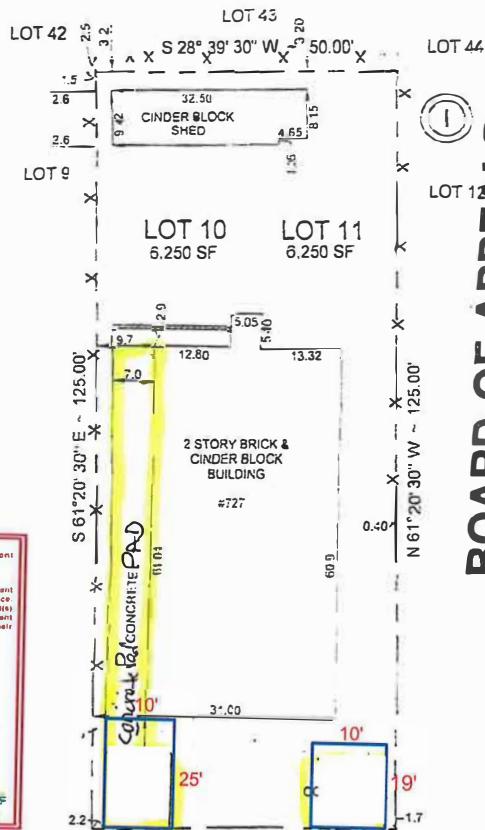
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

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.

HOUSE LOCATION
LOTS 10 & 11 BLOCK 1
FAIRMOUNT HEIGHTS
18TH ELECTION DISTRICT
PLAT BOOK 1-85
PRINCE GEORGE'S CO., MD

SCALE : 1" = 20'



BOARD OF APPEALS

APPROVED DEC - 4 2024

Administrator

Principle George's County, Maryland
Department of Permitting, Inspections and Enforcement
APPROVED PERMIT SET
The Instrument of Permitting, Inspections and Enforcement
has completed a Review of this document for code compliance.
As required by State Code, the design professional(s)
responsible for the design of this document, must
provide a RECORD copy of this document with their
original seal, signature and date.
Case #: <u>FAIRMOUNT HEIGHTS</u>
Permit Number: <u>47416-2024-DW</u>
Permit Number: <u> </u>
Date: <u>6/6/2024</u>
Address: <u> </u>
Lot(s) Block(s) and Parcels: <u>Lot and Block not found</u>
-3' Maximum Slope Allowed on Residential Property
-7% Maximum Pad Slope, and
12.5% Maximum Driveway Slope
10' Maximum Slope of Driveway or
Leaving Area, 10' in Minimum slope of
Pad away from Building is Required
BMW
DPIE

-Site road approval is only for 25' X 10' (left side) and 19' X 10' (right side) driveway parking pads.

-A driveway apron permit is required from the municipality.

61ST AVENUE
(50' WIDE)

EXHIBIT

2

V-52-24

SURVEYOR'S CERTIFICATES:

I hereby certify that the position of the existing improvements on the above described property has been carefully established by a transit - tape survey and that unless otherwise shown, there are no visible encroachments.

DATE 24-7-1993

NOTE : House location surveys do not include setting
Iron Pipes on property corners.

NO TITLE REPORT FURNISHED
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS

The property shown herein is not within Zone A-Special Flood Hazard Area per F.E.M.A. Flood Insurance Rate Maps.

W. J. MEEKINS INC.

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FORESTVILLE, MD 20747
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email: mockins.mockins@verizon.net
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REGISTRATIONS
MD # 10833

DCLS # 900960