



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

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

BOARD OF ADMINISTRATIVE APPEALS

NOTICE OF FINAL DECISION

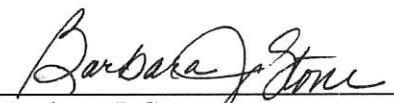
OF BOARD OF APPEALS

RE: Case No. V-74-18 Manuel Montelongo

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: August 29, 2018.

CERTIFICATE OF SERVICE

This is to certify that on September 24, 2018, 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-NCPBC, 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: Manuel Montelongo

Appeal No.: V-74-18

Subject Property: Lot 45, Block A, Palmer Park Subdivision, being 7734 Muncy Road, Hyattsville,
Prince George's County, Maryland

Witness: Dora Mendez, Wife

Heard and Decided: August 29, 2018

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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard 9 feet in width; 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; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side lot line; and Section 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated 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. Petitioner proposes to validate existing conditions (dwelling, shed) and construct a driveway in the front yard of a semi-detached dwelling. Variances of 5 feet side yard width for the dwelling, 12% net lot coverage, 1 foot side lot line setback for an accessory building and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1954, contains 4,773 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and two sheds. Exhibits (Exhs.) 2, 3, 9, 10 and 11 (A) thru (H).

2. The shape of the lot is long and narrow with the rear yard lot line being at an angle. Exhs. 2 and 11 (A) thru (H).

3. Petitioner would like to construct a 10' x' 28' driveway, a portion of which is in front of the dwelling, and a 10' x 30' driveway along the side of the dwelling. Construction of the driveway would exceed the amount of lot coverage allowed and Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling. Therefore, a variance of 12% net lot coverage and a waiver of the parking area location requirement were requested. Exhs. 2, 4 (A) thru (D), 13 and 17, (A)thru (C).

3. The existing dwelling is located 4 feet from the side lot line and an existing shed is located 1 foot from the side lot line. Variances of 5 feet side yard width for the dwelling and 1 foot side lot line setback for an accessory building were requested. Exhs. 2, 4 (A) thru (D), 13 and 17, (A)thru (C).

4. Petitioner Manuel Montelongo stated that he built his driveway in 2014 for which he received a Violation Notice (BVN 42056-13) for constructing a driveway without permit. In December 2017, County Inspector Sherri Washington placed a Survey Notification on the door of the dwelling. Petitioner never obtained the permit and subsequently, the County removed the driveway from the property. Exhs. 2, 4 (A) thru (D), 5, 6 and 7.

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 lot being long and narrow, the rear yard lot line being at an angle, the property being located on a hill 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 5 feet side yard width for the dwelling, 12% net lot coverage, 1 foot side lot line setback for an accessory building and a waiver of the parking area location requirement in order to validate existing conditions (dwelling, shed) and construct a 10' x 28'/10' x 30' driveway in the front yard of a semi-detached dwelling on the property located at Lot 45, Block A, Palmer Park Subdivision, being 7734 Muncy Road, Hyattsville, 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.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

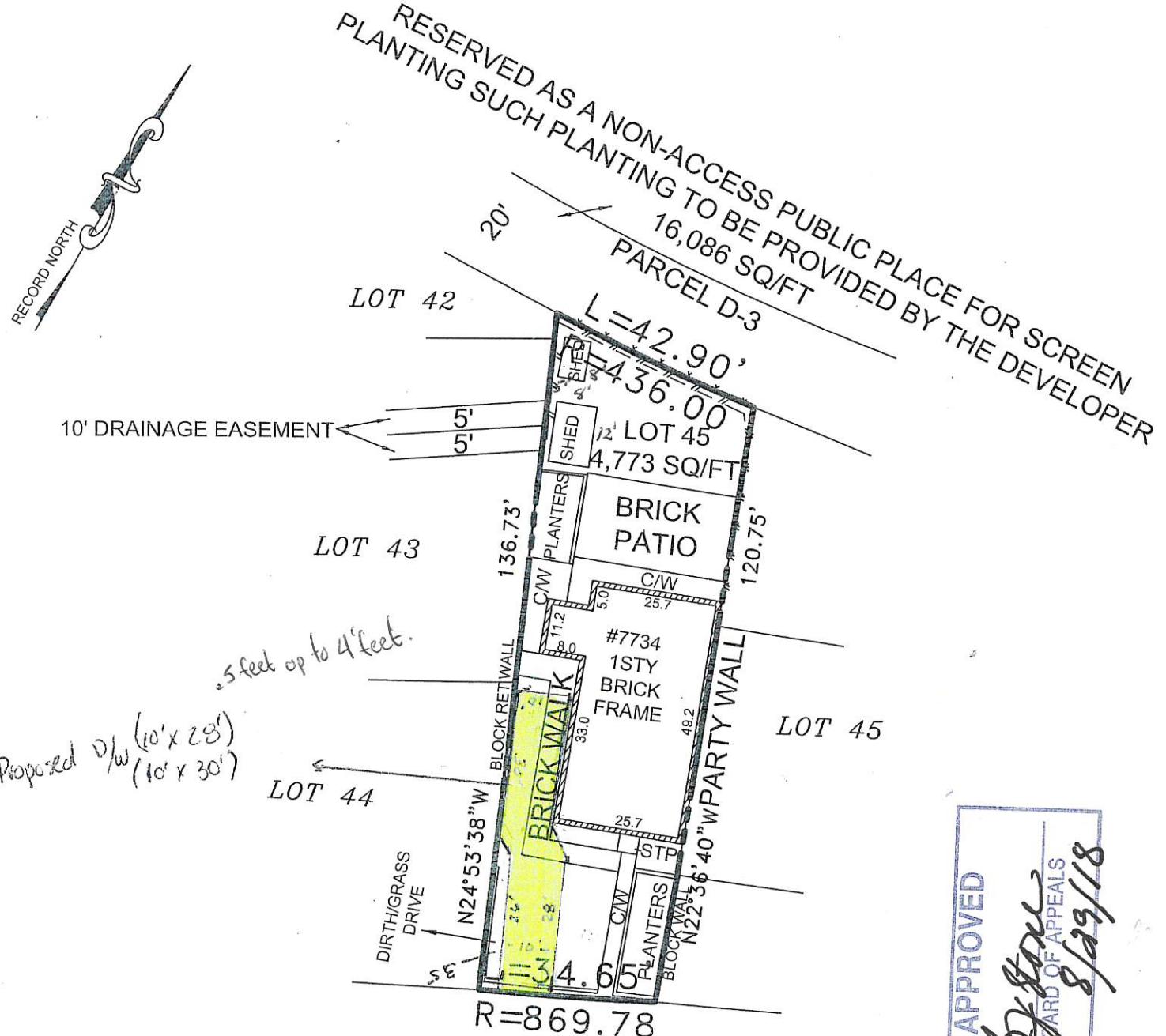

NOTICE

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.

ADDRESS: 7734 MUNCY ROAD
LANDOVER MD, 20785



MUNCY ROAD (60' R/W)

EXH. # 2
V-74-18

NOTES:

1. THIS IMPROVEMENT LOCATION DRAWING:
 - A. IS OF BENEFIT TO A CONSUMER ONLY INSOFAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING;
 - B. IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF TITLE OR SECURING FINANCING OR REFINANCING.
2. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
3. SUBJECT TO ALL EASEMENTS ON RECORD.
AND IMPROVEMENTS ON PROPERTY.

DATE: 5/30/18

SCALE: 1" = 30' DRAWN BY: CE
FILE: # 7734 MUNCY ROAD

I HEREBY CERTIFY THAT IMPROVEMENTS ARE LOCATED AS SHOWN HEREON AND TO THE BEST OF MY INFORMATION, PROFESSIONAL, KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACMENTS



05/30/18
DATE

LOCATION SURVEY LOT 45 BLOCK "A" SECTION 01 SUBDIVISION: PALMER PARK 13 DISTRICT PRINCE GEORGE'S COUNTY

PLAT #	A-2350	PROPERTY OWNER: MANUEL DJG MONTELONGO
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SURVEYORS DEVELOPMENT & ASSOCIATES LLC

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