

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-69-16 Jesus Salamanca

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: July 27, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on August 4, 2016 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed) _____
Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Mark Maier, Spanish Language Interpreter

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

Petitioner: Jesus Salamanca

Appeal No.: V-69-16

Subject Property: Lot 5, Block B, Barr's Resubdivision of Princess Gardens Subdivision, being 6309 Barrs Lane, Lanham, Prince George's County, Maryland

Spanish Language Interpreter: Mark Maier

Heard and Decided: July 27, 2016

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 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. Petitioner proposes to validate an existing condition and construct a detached garage. Variances of 2 feet front yard depth and 6.6% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1965, contains 7,630 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1966. Exh. 7.
2. Petitioner would like to construct a 16' x 23' detached garage at the end of the existing driveway (Exh. 2), but variances are required to obtain a building permit. Since the maximum amount of net lot coverage allowed on the property (30%) is already exceeded by existing development, and construction of the garage would cause further overage, a variance of 6.6% net lot coverage was requested. Exhs. 12 and 13.
3. A variance is also needed to validate the location of the existing covered front porch. Since the porch is located only 23 feet from the front street line, a variance of 2 feet front yard depth was also requested. Exh. 13.
4. Petitioner testified that he purchased the property two years ago and that both the front porch and 12' x 45' driveway extension existed at that time. He explained that the garage is needed for additional storage space for his mower, bicycles and barbecue grill, which are now covered in his back yard with blankets.

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 driveway having been extended without a building permit, the need for additional storage space, the driveway extension and covered front porch existing when Petitioner purchased the property, 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 2 feet front yard depth and 6.6% net lot coverage in order to validate an existing condition and construct a 16' x 23' detached garage on the property located at Lot 5, Block B, Barr's Resubdivision of Princess Gardens Subdivision, being 6309 Barrs Lane, Lanham, 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.