

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-79-16 Amelia Mondragon

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 7, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on September 22, 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
DPIE/Inspections Division
Other Interested Parties

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

Petitioner: Amelia Mondragon

Appeal No.: V-79-16

Subject Property: Lot 3, Block O, Langley Park Subdivision, being 1724 Keokee Street, Hyattsville,
Prince George's County, Maryland

Witness: Abraham Reyes, tenant of subject property

Heard and Decided: September 7, 2016

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking, 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 and obtain a building permit for a shed and driveway area in the front yard. A variance of 9.2% net lot coverage and waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 6,900 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, detached garage and two sheds. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1950. Exh. 6.

2. The property is regular in its shape and size and lacks any unique topography or other conditions. Exhs. 4, 10(A) thru (F).

3. The Department of Permitting, Inspections and Enforcement cited Petitioner with Building Violation Notice No. 22546-16-0, dated April 28, 2016, requiring that Petitioner obtain the required permit(s) for work done at the above referenced property, including the driveway extension, or remove it. Exh. 6.

4. Petitioner would like to validate certain existing conditions on the subject property and obtain a building permit for a 14' x 14.5' shed and 11.5' x 26' driveway extension in front of the dwelling, but variances are needed. Since construction of the shed and driveway extension has caused the allowed amount of net lot coverage (30%) to be exceeded, a variance of 9.2% net lot coverage was requested. Exhs. 12 and 13.

5. In addition, because part of the driveway extension is located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was also requested. Exh. 13.

6. A 5' x 60' driveway addition made up of crushed concrete next to the property line is to be removed. Exh. 2.

7. Petitioner testified that the property is rental property. She stated that Keokee Street has a lot of high-speed traffic and a neighbor's car has been hit while parked on the street. She further stated that the existing garage is very small. She stated that the driveway extension was built to accommodate a small car and the driveway has space for three cars. Exhs. 5(B) and (D).

8. Abraham Reyes, the current tenant, testified that his family has four cars which he does not want to park on the street "because of accidents". He stated that the driveway extension was built to the side of the rest of the driveway so he and his wife could come and go at different times. *See* Exhs. 2 and 5(B).

9. Petitioner further testified that Mr. Reyes has a lot of appliances and other things and the new shed was necessary to because the garage was not large enough to store everything.

10. Mr. Reyes testified that the garage was filled with stuff and explained that he uses the other smaller shed for his cat.

11. The Historic Preservation Section of M-NCPPC commented that the subject property is located within 0.5 mile of McCormick Mansion (Historic Site 65-007), Adelphi Mill & Storehouse (Historic Site 65-006), and Cool Spring Farm (Historic Site 65-005), and that the variance request will have no effect on Historic Site, Historic Resources or Historic Districts. Exh. 17.

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 do not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioner's lot has no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition.

2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, by majority vote, Vice Chairman Scott absent, that a variance of 9.2% net lot coverage and waiver of the parking area location requirement in order to validate and obtain a building permit for a shed and driveway area in the front yard on the property

located at Lot 3, Block O, Langley Park Subdivision, being 1724 Keokee Street, Hyattsville, Prince George's County, Maryland, be and are hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.