

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-126-16 Maria Ramirez

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: November 9, 2016.

CERTIFICATE OF SERVICE

This is to certify that on November 29, 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: Maria Ramirez

Appeal No.: V-126-16

Subject Property: Lot 1, Block A, Beltsville Estates Subdivision, being 4720 Brandon Lane, Beltsville,
Prince George's County, Maryland

Witnesses: Larry Forrest, neighbor

Noreen Forrest, neighbor

Adeline Wilcox, neighbor

Spanish Language Interpreter: Mark Maier

Heard and Decided: November 9, 2016

Board Members Present and Voting: 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 27-120.01(c) of the Zoning Ordinance, 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 new driveway. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1959, contains 10,812 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 9 and 10. The existing dwelling was built in 1959. Exh. 9.
2. The property widens from front to rear and there is a 20-foot easement for construction maintenance and operation of storm drainage along the right side lot line. Exhs. 2 and 4.
3. On September 22, 2016, the Department of Permitting, Inspections and Enforcement ("DPIE"), Inspections Division, left a notice at the subject property notifying Petitioner of a complaint. Exh. 6.
4. Petitioner was issued a Notice of Violation, dated September 27, 2016, requiring that the required permit(s) be obtained for work at the property, including but not limited to a fence over 4 feet and an extended driveway. Exh. 17.
5. Petitioner would like to obtain a building permit for a newly constructed 20' x 33'/13.7' x 28' driveway, but a variance is needed to obtain the permit. Since a portion of the driveway 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 requested. Exh. 14.
6. Petitioner Maria Ramirez testified that the work was done in June 2016. Exhs. 2 and 5(a).

7. Petitioner explained that she expanded the driveway on both sides of the existing driveway for parking a second car in the driveway and allowing her to get to the front walkway and stairs. Exhs. 2 and 5(a).

8. Petitioner stated that there are two gates at the side of the house on the driveway; the white 6-foot gate is located at the front of the house you can drive through and the second smaller iron gate is located at the rear of the house and cannot be driven through. Exh. 3.

9. She explained that she would prefer to park two cars side by side in the driveway, instead of parking one car in front of the other beyond the white gate. Exhs. 2 and 5(a).

10. Mrs. Noreen Forrest, who lives at the property to the rear of Petitioner's (4721 Cardinal Avenue), testified that she has lived there since 1997 and all the driveways in the neighborhood are similar. She stated that she and her husband have to park one vehicle in front of the other. She also stated that Petitioner's driveway is the first driveway in the neighborhood that has been expanded.

11. Mr. Forrest, who lives to the rear of the Petitioner, opposes the driveway.

12. Ms. Adeline Wilcox, who lives at 10901 Fleetwood Drive, stated that the expanded driveway is environmentally destructive and disturbs the storm water runoff. She believes that the expansion is out of character with the neighborhood.

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 does 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 topography or other conditions peculiar to the property. The Board further finds that the lot is regular in its size and shape and no evidence of any extraordinary situation or uniqueness of the lot was presented.

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, Chairperson Mack absent, that a waiver of the parking area location requirement in order to validate and obtain a building permit for a new 20' x 32'/13.7' x 28' driveway on the property located at Lot 1, Block A, Beltsville Estates Subdivision, being 4720 Brandon Lane, Beltsville, Prince George's County, Maryland, be and is hereby DENIED.

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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.