

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-136-16 Eulalio Ramos

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 30, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on December 13, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Ernesto Luna, Spanish Language Interpreter

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

Petitioner: Eulalio Ramos

Appeal No.: V-136-16

Subject Property: Lot 48 of Parcel A, Livingston Park Subdivision, being 918 White Oak Drive, Oxon Hill,
Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Witness: John Vary, Neighbor

Heard and Decided: November 30, 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), which prescribes that each lot shall have a side yard at least 8 feet in width, 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 existing conditions and construct a shed. Variances of 3 feet side yard width and 17.3% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1940, contains 11,600 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, 11 and 12.

2. Petitioner would like to construct a second shed on the property which would be 16' x 20'. As the existing development on the property exceeds the amount of lot coverage allowed, construction of the shed would cause further overage. A variance of 17.3% net lot coverage was requested. Exh. 17.

3. A variance is required to validate a landing with steps on the right side of the dwelling, which is located 5 feet from the side lot line. Exh. 17. A variance of 3 feet side yard width was requested.

4. The Department of Permitting, Inspections and Enforcement issued Building Violation Notice No. 57714-15, dated October 23, 2015, which requires that Petitioner obtain the required permits for work, including but not limited to the existing 6 foot fence and two structures (sheds) in the rear yard, or remove the work and restore to original condition. Exh. 8.

5. Petitioner Eulalio Ramos testified he is undergoing two projects - a storage area (the second shed) and a wall. He explained that the wall, which was built 5 years ago (2011), is 3 feet in height in one area and 6 feet in another because of the slope of the ground. Exhs. 2 and 5(A) thru (E).

6. Petitioner explained that he built the 6-foot privacy fence 4 years ago. Exhs 2 and 5(A) thru (E).

7. Mr. Ramos expressed a concern that he needed to protect his tools for his business in the second shed.

8. Mr. Vary, a neighbor who resides about 10 houses from Petitioner, stated that the shed would not affect the (appearance of the) neighborhood because it will be located in the rear yard and will not be seen (from the front).

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 protection of his tools for his landscaping business, the slope in the grade in the rear yard, 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 3 feet side yard width and 17.3% net lot coverage in order to validate existing conditions and construct a 16' x 20' shed on the property located at Lot 48 of Parcel A, Livingston Park Subdivision, being 918 White Oak Drive, Oxon Hill, 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.