

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-98-16 Marina and Rene Herrera

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: February 8, 2017.

CERTIFICATE OF SERVICE

This is to certify that on February 23, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
Acting Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Lewisdale Citizens' Association
Ernesto Luna, Spanish Language Interpreter

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

Petitioners: Marina and Rene Herrera

Appeal No.: V-98-16

Subject Property: Lot 10, Block 15, Lewisdale Subdivision, being 7101 24th Avenue, Hyattsville,
Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Heard: January 11, 2017; Decided: February 8, 2017

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, Petitioners request that the Board approve variances from Section 27-442(e) (Table IV), which prescribes that each lot shall have a front yard at least 25 feet in depth and 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. Petitioners propose to validate existing conditions and obtain a building permit for a new driveway extension. Variances of 3 feet front yard depth, .5 foot side yard width and 9% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1946, contains 7,970 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, attached garage and driveway. Exhibits ("Exhs.") 3, 7, 8 and 20. The existing dwelling was built in 1948. Exh. 7.
2. The property is a corner lot with the dwelling facing the legal side street (Banning Place). Exhs. 3 and 20.
3. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 26850-16-0, dated May 16, 2016, requiring that Petitioners obtain the required permit(s) for work done at the property, which includes but is not limited to an extended driveway, or remove the work. Exh. 5.
4. Petitioners would like to obtain a permit for a new 11' x 40' driveway extension, but variances are needed. Since the allowed amount of net lot coverage (30%) is exceeded by existing development and construction of the new driveway area causes a further overage, a variance of 9% net lot coverage was requested. Exhs. 12, 13 and 20.
5. Petitioner Marina Herrera explained that the needed repairs were made to the original driveway at which time an extension was added without a permit. She stated that the extension was laid to connect to the existing concrete to the rear. Exhs. 4 (A) thru (C), 9 (A) thru (G) and 20

6. Because the existing covered porch is located 22 feet from the front street line and 7.8 feet from the side lot line, variances of 3 feet front yard depth and .5 foot side yard width were also requested, respectively. Exhs. 13 and 20.

7. Lewisdale Citizens' Association provided comments on September 28, 2016, in opposition to the variances.

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 property being located on a corner lot, the house facing the legal side yard, the original driveway requiring repairs 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 3 feet front yard depth, .5 foot side yard width and 9% net lot coverage in order to validate existing conditions and obtain a building permit for a new 11' x 40' driveway extension on the property located at Lot 10, Block 15, Lewisdale Subdivision, being 7101 24th Avenue, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 20.

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.