

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-17-17 Efrain Sanchez and Paz Moreno

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: March 22, 2017.

CERTIFICATE OF SERVICE

This is to certify that on March 28, 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
Ernesto Luna, Spanish Language Interpreter

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

Petitioners: Efrain Sanchez and Paz Moreno

Appeal No.: V-17-17

Subject Property: Lots 25 thru 28, Block 4, Riverdale Heights Subdivision, being 5612 Patterson Road,
Riverdale, Prince George's County, Maryland

Spanish Language Interpreter Services: Ernesto Luna

Heard and Decided: March 22, 2017

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, Petitioners request 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; 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; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any rear lot line; 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. Petitioners propose to validate existing conditions and construct a driveway. Variances of 13.5 feet front yard depth for the dwelling, 5.2% net lot coverage, 1.5 feet rear lot line setback for an accessory building and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1919, contains 8,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, 72 feet driveway, detached garage and shed. Exhibit (Exhs.) 2, 3, 4 (A) thru (B) and 8.

2. Petitioners would like to construct a 10' x 20' driveway on the right side of the property. Because current development exceeds the maximum amount of lot coverage allowed, construction for the proposed additional driveway would be further overage. A variance of 5.2% net lot coverage was requested. Exhs. 2, 12 and 13.

3. Petitioner stated that most of the concrete in front of the dwelling will be removed, but a 5' x 22' portion next to the existing driveway will remain. As this portion is in front of the dwelling, and Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling, a waiver of the parking area location requirement was requested. Exhs. 2, 4 (A) thru (B), 9 (A) thru (F) and 13.

4. The existing covered front porch and steps are located 11.5 feet from the front street line and the detached garage is located .5 foot from the rear lot line. Variances of 13.5 feet front yard depth for the dwelling and 1.5 feet rear lot line setback for an accessory building were therefore, also requested. Exhs. 2 and 9 (A) thru (F).

5. Petitioner Efrain Sanchez testified that there are insufficient parking spaces available in the existing driveway for the family's 4 vehicles.

6. He further testified he would like to build an additional one parking space on the right side of the property. Exhs. 2 and 9 (A) thru (F).

7. Mr. Sanchez explained that because he does not return home from work until early morning hours when there are no vacate parking spaces available on the street, he then has to park his vehicle a block away from his house and does not feel comfortable walking home.

8. He further explained that 3 of the family vehicles belong to his brother-in-law who stores tools in the vehicles, including a truck, which is unsafe when parked on the street.

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. Petitioners' property does not demonstrate any exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property.
2. In addition, Petitioners' property already provides an extended 72 foot driveway as well as a 26' x 14' garage that can be used for parking vehicles.
3. 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, Mr. Scott being absent, that variances of 13.5 feet front yard depth for the dwelling, 5.2% net lot coverage, 1.5 feet rear lot line setback for an accessory building and a waiver of the parking area location requirement in order to validate existing conditions and construct a driveway on the property located at Lots 25 thru 28, Block 4, Riverdale Heights Subdivision, being 5612 Patterson Road, Riverdale, Prince George's County, Maryland, be and are hereby DENIED.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

NOTICE

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.