

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-49-17 Jose Calles

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: July 12, 2017.

CERTIFICATE OF SERVICE

This is to certify that on July 26, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPCC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Town of Bladensburg
Ernesto Luna, Spanish Language Interpreter

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

Petitioner: Jose Calles

Appeal No.: V-49-17

Subject Property: Lot 54, Block 11, Decatur Heights Subdivision, being 5412 Upshur Street, Bladensburg, Prince George's County, Maryland

Spanish Language Interpreter Service: Ernesto Luna

Municipality: Town of Bladensburg

Heard: June 21, 2017; Decided: July 12, 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, 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 replace and widen the existing driveway in the front yard. A variance of 2.8% net lot coverage and a 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 1965, contains 5,430 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3, 8 and 10 (A) thru (F).
2. Petitioner's lot is narrow. Exh. 2. He would like to replace the existing 10' x 26.5' driveway with a 26.5' x 26.6' driveway, most of which will be placed in front of the dwelling. Exhs. 2 and 4 (A) thru (D).
3. Section 27-120.01(c) 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. A waiver of the parking area location requirement was requested. Exhs. 2 and 4 (A) thru (D).
4. On August 15, 2016, a stop work order for the front porch cover and extending the driveway was issued by Department of Permitting, Inspections and Enforcement (DPIE) for building without a permit.
5. On March 9, 2017, a violation notice (BVN No. 1745317-0) was issued. Exh. 6.
6. Petitioner agreed to widen only the left side of the driveway and remove the 6.5' x 18.5 extension on the right side of the driveway. The new overall dimensions will be approximately 21' x 26.5 or 542 sq. ft., eliminating the need for a variance for net lot coverage. Exh. 21.
7. Petitioner testified that additional off-street parking was needed.

8. The Town of Bladensburg provided no objections to the appeal. Exhs. 18.

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 lot being narrow, additional need for off- street parking 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, by majority vote, Mr. Al Scott abstaining, that a waiver of the parking area location requirement to replace the existing 10' x 26.5' driveway with a 21' x 26.5' driveway in the front yard on the property located at Lot 54, Block 11, Decatur Heights Subdivision, being 5412 Upshur Street, Bladensburg, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 21.

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.