

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-75-17 Jasmine Irigoyen and Luis Vasquez

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 26, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on August 7, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Tantallon Citizens Association

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

Petitioners: Jasmine Irigoyen and Luis Vasquez

Appeal No.: V-75-17

Subject Property: Lot 13, Block F, Tantallon on the Potomac Subdivision, being 116 River Forest Lane, Fort Washington, Prince George's County, Maryland

Witness: Richard Kruger, Tantallon Citizens Association, Chair, Covenant Enforcement

Heard and Decided: July 26, 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) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side lot line. Petitioners propose to validate an existing condition and construct an attached garage and breezeway. Variances of 3.5 feet side yard width for the garage and 2 feet side lot line setback for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1963, contains 12,651.01 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. The existing dwelling was built in 1966. Exhibits (Exhs.) 3, 5, 9 and 11 (A) thru (F).

2. Petitioners would like to construct an attached 22' x 22' garage, over existing driveway area, and 4' x 14' covered breezeway attached to the rear of the existing dwelling. Since the garage, which needs to meet main building setback requirements, would be located 4.5 feet from the left side lot line, a variance of 3.5 feet side yard width was requested. Exhs. 3, 4 and 6 (A) thru (D).

3. An existing shed is located along the right-side line for which a variance of 2 feet side lot line setback for an accessory building was requested. Exhs. 11 (A) thru (F).

4. Petitioners testified that last year she previously applied for a variance to build a double car garage and breezeway attaching the dwelling to the garage.¹ During the construction of the garage, Petitioners discovered that the proximity of the garage to the dwelling precluded a vehicle from maneuvering adequately to enter the garage. Thus, the garage was shifted 8 feet to the left property line to gain better access to the garage. Exhs. 3, 4 and 6 (A) thru (D).

5. Mr. Richard Kruger, Tantallon Citizens Association, stated that the home owner's association supported the variance request for the relocation of the garage. Exh. 7.

¹ V-56-16 Jasmine Irigoyen and Luis Vasquez; Heard: June 22, 2016; Decided: July 13, 2016. Variances of 10 feet rear yard depth/width and 12.7% lot coverage were requested and granted.

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 recent discovery that the proximity of the garage to the dwelling precluded a vehicle from maneuvering adequately to enter the garage, previous approval of a similar variance for the accessory building in Appeal No. 56-16 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 3.5 feet side yard width for the garage and 2 feet side lot line setback for an accessory building to validate an existing condition and construct an attached 22' x 22' garage and 4' x 14' breezeway on the property located at Lot 13, Block F, Tantallon on the Potomac Subdivision, being 116 River Forest Lane, Fort Washington, 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 3 and approved elevation plan, Exhibit 4.

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.