

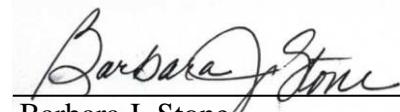
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-72-17 Raul and Doris Paraguaya

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: August 9, 2017,

CERTIFICATE OF SERVICE

This is to certify that on September 12, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

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

Petitioners: Raul and Doris Paraguya

Appeal No.: V-72-17

Subject Property: Lot 11, Block D, Cheverly Manor Subdivision, being 6322 Kilmer Street, Cheverly,
Prince George's County, Maryland

Heard and Decided: August 9, 2107

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 front yard at least 25 feet in depth 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 an existing condition and construct a driveway extension in front of the dwelling. A variance of 5 feet front yard depth 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 1942, contains 6,850 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 3, 6, 8 (A) thru (F) and 16.

2. Petitioners wish to construct a 12' x 14' driveway extension. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the front yard between the front street line and the sides of the dwelling. Since Petitioners' driveway extension will be in the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 4 (A) thru (E) and 16.

3. The covered front porch is located 20 feet from the front street line. A variance of 5 feet front yard depth was also requested. Exhs. 2, 4 (A) thru (E) and 16.

4. Petitioner Raul Paraguya testified that they own 3 cars but the existing driveway only accommodates 2 cars. The homes across the street do not have driveways which limits the number of on-street parking spaces. Exhs. 2, 4 (A) thru (E), 8 (A) thru (F) and 16.

5. Petitioners stated that they would like to keep the retaining wall. Exhs. 2, 4 (A) thru (E), 8 (A) thru (F) and 16.

6. Petitioners submitted a revised plan reducing the proposed driveway to 10' x 13.5'. Exh. 16.

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 most of the homes across the street not having driveways, thereby limiting the number of available on-street parking spaces, Petitioners submitting a revised site plan reducing the size of the proposed driveway 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 a variance of 5 feet front yard depth and a waiver of the parking area location requirement to validate an existing condition and construct a 10' x 13.5' driveway extension in front of the dwelling on the property located at Lot 11, Block D, Cheverly Manor Subdivision, being 6322 Kilmer Street, Cheverly, 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 16.

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.