

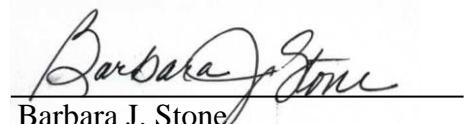
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-94-17 Mercedes Ramirez

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 23, 2017.

CERTIFICATE OF SERVICE

This is to certify that on August 31, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Vivian Evans, Spanish Language Interpreter

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

Petitioner: Mercedes Ramirez

Appeal No.: V-94-17

Subject Property: Lot 86, Block B, Palmer Park Subdivision, being 7712 Normandy Road, Hyattsville, Prince George's County, Maryland

Spanish Language Interpreter Services: Vivian Evans

Witness: Salome Mendoca, son of Petitioner

Heard and Decided: September 23, 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 obtain a building permit for a new shed and construct a driveway and retaining wall in the front yard of a semi-detached dwelling. A variance of 2.7% 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 1954, contains 4,015 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and shed. Exhibits (Exhs.) 2, 4, 5, 8, and 10 (A) thru (F).

2. Petitioner would like to construct a 10' x 25' driveway and retaining wall up to 2 feet in height, part of which will be in front of the dwelling, and obtain a building permit for a new 12.6' x 12.6' shed. Construction of the driveway would exceed the amount of lot coverage allowed. A variance of 2.7% net lot coverage was requested. Exhs. 2, 3 (a) thru (d), 5, and 10 (A) thru (F).

3. 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 part of Petitioner's driveway will be in the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 3 (a) thru (d), 5, and 10 (A) thru (F).

4. DPW&T "Specification and Standards for Roadways and Bridges", Section 23-139. "Driveway Entrance". (a)(1)(B) prescribes that no residential driveway apron may be closer than three and one half (31/2 feet) to the nearest abutting property line.

5. Salome Mendoca, Petitioner's son, testified that construction has begun on the retaining wall and concrete pad for the shed has been poured. Exhs. 2, 3 (a) thru (d) and 5.

6. Mr. Mendoca further testified that the retaining wall, which will be at least 18"- 20" in height, is necessary for the driveway because of the slope of the front yard. Exhs. 2, 3 (a) thru d and 5.

7. Application for a driveway permit has been submitted with the Department of Permitting, Inspection and Enforcement (DPIE).¹ Exhs. 2, 5 and 20.

8. Mr. Mendoca stated that there are many other driveways located on properties in the community. Exhs. 10 (A) thru (F).

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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the topography of the front yard being on a slope, the requirement that front yard driveways must be at least 3 1/2 feet from the side yard, 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, unanimously, that a variance of 2.7% net lot coverage and a waiver of the parking area location requirement to obtain a building permit for a new 12.6' x 12.6' shed and construct a 10' x 25' driveway and retaining wall up to 2 feet in height in the front yard of a semi-detached dwelling on the property located at Lot 86, Block B, Palmer Park Subdivision, being 7712 Normandy Road, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 2 (A) thru (D).

BOARD OF ZONING APPEALS

By: _____ (Original Signed)

Bobbie S. Mack, Chairperson

¹ DPIE/ Application for Residential Driveway Construction Permit # 29917-2017-00

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.