

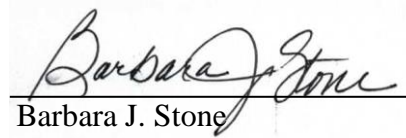
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-78-17 Jaime Landaverde

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: Petitioner
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

Petitioner: Jaime Landaverde

Appeal No.: V-78-17

Subject Property: Lot 8, Block A, Palmer Park Subdivision, being 7612 Muncy Road, Cheverly,
Prince George's County, Maryland

Witness: Jimi Ade, Neighbor

Spanish Language Interpreter Service: Ernesto Luna

Heard: July 26, 2017; Decided: August 9, 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(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side lot line; 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; and Section 27-420(a), which prescribes that on lots consisting of one (1) acre or less, fences and walls in the front yard shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to validate an existing condition (shed location) and construct a driveway and 6-foot chain link fence in the front yard of a semi-detached single-family dwelling. A variance of 1 foot side lot line setback for an accessory building, waivers of the parking area location requirement, fence location and height requirements for a fence over 4 feet in height in the front yard are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1954, contains 4,025 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and two sheds. The lot is narrow, being only 35 feet in width. Exhibits (Exhs.) 2, 4, 8, 10 (A) thru (F) and 18.
2. Petitioner would like to construct a 10' x 19' driveway, part of which would be located in front of the dwelling. As 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, a waiver of the parking area location requirement was requested. Exhs. 2, 3, 5, 6, 10 (A) thru (F) and 18.
3. Petitioner proposes to construct a 6-foot chain link fence along the side lot lines extending from the front of the house to the property line. Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard were, therefore, requested. Exhs. 2, 3, and 18.

4. In addition, one of the sheds is located 1 foot from the right-side lot line. A variance of 1 foot side lot line setback for an accessory building was requested. Exhs. 2 and 18.

5. Mr. Ade explained that the driveway will be located 5-feet from a utility pole. Exh. 2 and 18.

6. Mr. Ade further explained that he observed 8 other properties in the immediate vicinity with driveways and only two properties without driveways. Exhs. 2, 10 (A) thru (F) and 18.

7. Petitioner submitted a revised site plan removing the proposed 6-foot fence along the side property lines (in front of the dwelling) from the site plan and showing the location of the 5-feet from the utility pole. Exh. 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 narrowness of the lot, location of the utility pole influencing the placement of the front 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 1 foot side lot line setback for an accessory building and a waiver of the parking area location requirement to validate an existing condition and construct a 10' x 19' driveway in the front yard of a semi-detached single-family dwelling on the property located at Lot 8, Block A, Palmer Park Subdivision, being 7612 Muncy Road, 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 18.

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.