



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

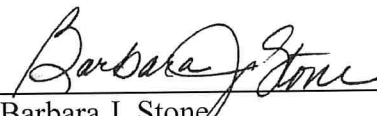
OF BOARD OF APPEALS

RE: Case No. V-125-17 Edgar and Yendy 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: April 25, 2018.

CERTIFICATE OF SERVICE

This is to certify that on June 1, 2018, 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
City of Glenarden

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

Petitioners: Edgar and Yendy Vasquez

Appeal No.: V-125-17

Subject Property: Part of Lots 39 & 40 and Lot 41, Block I, Glenarden Subdivision, being 8630 Leslie Avenue, Glenarden, Prince George's County, Maryland

Municipality: City of Glenarden

Witnesses: Elaine Carter, Neighbor

Eddie Tobias, Glenarden, Acting City Manager

Robin Jones, Glenarden City Council

Heard: March 14, 2018; Decided: April 25, 2018

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 a variance 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 a variance from Section 27-120.01(c) of the Zoning Ordinance, 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 construct a driveway in the front yard. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property contains 6,400 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is a corner lot with the dwelling facing the legal front street and the existing driveway accessing the legal side street. Exhibits (Exhs.) 2, 3, 10, 11 and 12 (A) thru (G).

2. The lots making up the subject property were subdivided in 1913, but a deed recorded in May 1973 conveyed 800 square feet of the property to the Town of Glenarden. Exhs. 3, 6 and 7.

3. Petitioners would like to construct a 14' x 25' driveway, which would access the legal front street and be in front of the dwelling. 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 will be in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 4 (A) thru (D), 5 (A) thru (F) and 13.

4. Petitioner Edgar Vasquez explained that he would like to build a driveway in his front yard on Leslie Avenue.¹ In support of his request for a front yard, he stated that when he leaves his house very early

¹ Petitioners currently have a driveway on Reed Street. Exh 2.

in the morning when it is still dark, he feels unsafe; there was an incident where someone approached him; and the fence was installed after a break-in occurred. Exhs. 2, 4 (A) thru (D), 5 (A) thru (F) and 13.

5. Mr. Tobias, Acting City Manager of Glenarden City Council, testified that the City Council opposed the subject request.

6. Ms. Jones testified that the City is not willing to open the curb line to add aprons to the subject property.

7. The City Council met on April 3, 2018 and agreed to deny the appeal to construct a front entrance driveway at the subject property. Exh. 26.

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 does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioner's lot has no exceptional topography or other conditions peculiar to the property. The Board further finds that the lot is regular in its size and shape and no evidence of any extraordinary situation or uniqueness of the lot was presented.

2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that a waiver of the parking area location requirement to construct a 14' x 25' driveway in the front yard on the property located at Part of Lots 39 & 40 and Lot 41, Block I, Glenarden Subdivision, being 8630 Leslie Avenue, Glenarden, Prince George's County, Maryland, be and is hereby DENIED.

BOARD OF ZONING APPEALS

By: 
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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.