

NOTICE OF FINAL DECISION

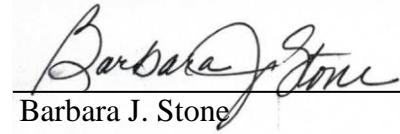
OF BOARD OF APPEALS

RE: Case No. V-156-17 Mario Guatemala and Maria Rivera

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: November 29, 2017.

CERTIFICATE OF SERVICE

This is to certify that on January 10, 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

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

Petitioners: Mario Guatemala and Maria Rivera

Appeal No.: V-156-17

Subject Property: Lots 45 & 46, Block 3, Riverdale Heights Subdivision, being 5611 Patterson Road,
Riverdale, Prince George's County, Maryland

Witness: Clairmonte Elvis, Contractor

Heard and Decided: November 29, 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(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(e)(Table IV), which prescribes that each lot shall have a side yard at least 5 feet in width; 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 existing conditions and construct a driveway in the front yard. Variances of 1,094 square feet net lot area, 1 foot side yard width 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 1919, contains 3,906 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 3, 7, 9 (A) thru (F) and 17.
2. The lot is long and narrow in shape and the house was built in 1952. Exhs. 2, 3 and 17.
3. Petitioners would like to construct a 10' x 21' driveway, which would be 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, 4, 9 (A) thru (F) and 17.
4. The property does not meet the current minimum lot size requirement for new development and the dwelling is located 4 feet from the left side lot line. Variances of 1,094 square feet net lot area and 1 foot side yard width were requested. Exhs. 2, 4, 9 (A) thru (F) and 17.
5. Mr. Clairmonte Elvis testified that the Petitioners propose to put in a driveway on the property. He further explained that adding the driveway would not be out of character because there are only 3 houses in the community that do not have a driveway; two of those houses are owned by the Petitioners. Exhs. 2, 4, 9 (A) thru (F) and 17.

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 lot being long and narrow in shape, the house built in 1952 is located only 4 feet from the left side yard line, 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 1,094 square feet net lot area, 1 foot side yard width and a waiver of the parking area location requirement to validate existing conditions and construct a 10' x 21' driveway in the front yard on the property located at Lots 45 & 46, Block 3, Riverdale Heights Subdivision, being 5611 Patterson Road, Riverdale, 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 17.

BOARD OF ZONING APPEALS

ORIGINAL SIGNED
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 27-233(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.

