

*NOTICE OF FINAL DECISION*

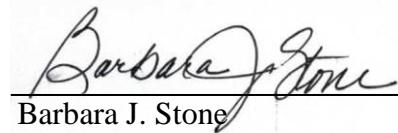
*OF BOARD OF APPEALS*

RE: Case No. V-163-17 Stacy and Bruce Stachitas, Jr.

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: December 13, 2017 .

**CERTIFICATE OF SERVICE**

This is to certify that on January 2, 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  
DPIE/Inspections Division  
West Laurel Civic Association

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

Petitioners: Stacy and Bruce Stachitas, Jr.

Appeal No.: V-163-17

Subject Property: Lot 6, Block A, McCahill Estates Subdivision, being 16502 Forest Mill Court, Laurel,  
Prince George's County, Maryland

Heard and Decided: December 13, 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 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 validate and obtain a building permit for a driveway extension 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 was subdivided in 1964, contains 15,508 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3, 7 and 9 (A) thru (F).

2. Petitioners would like to obtain a permit for a new 3' x 34'2" x 46' driveway extension in the front yard, as well as an additional driveway extension along the side of the dwelling. Exhs. 2, 4 and 6.

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 Petitioners' driveway will be in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 4 and 9 (A) thru (F).

4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice 39235-17-0, dated July 21, 2017, requiring Petitioners to "Obtain the required permit(s) for work done .... or remove the same. Work includes but not limited to extended concrete driveway." Exh. 5.

5. Petitioner Bruce Stachitas testified that the driveway extensions were completed 9 years ago. He explained that he widened the driveway 3 feet on both sides, added an extension of the driveway to the side of the garage and added a handicapped accessible walkway to the front door to accommodate his parents who are both handicapped. Exhs. 2, 4 and 9 (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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the need for full handicapped accessibility for Petitioner's parents 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 waiver of the parking area location requirement to validate and obtain a building permit for a driveway extension in the front yard on the property located at Lot 6, Block A, McCahill Estates Subdivision, being 16502 Forest Mill Court, Laurel, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.

## 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.