

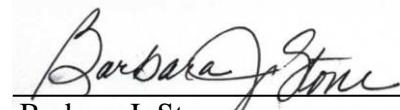
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-181-17 Juan Navarro Valbuena

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: January 10, 2018.

CERTIFICATE OF SERVICE

This is to certify that on February 13, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Leslie Bilchick, Spanish Language Interpreter
Other Interested Parties

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

Petitioner: Juan Navarro Valbuena

Appeal No.: V-181-17

Subject Property: Lot 13, Block G, Radiant Valley Subdivision, being 6913 Quincy Street, Hyattsville,
Prince George's County, Maryland

Witnesses: Mamie Small, President, Radiant Valley Civic Association
Lisa Coleman-Tate, DPIE Inspector
Lauren Clagett, DPIE Inspector

Spanish Language Interpreter Service: Leslie Bilcheck

Heard and Decided: January 10, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from the rear lot line; 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 validate existing conditions and obtain a building permit for a new driveway in the front yard. Variances of 7.5 feet front yard depth for the dwelling, 1 foot rear lot line setback for an accessory building and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1947, contains 6,260 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3, 8 and 10 (A) thru (F).
2. The shape of the lot is narrow. Exhs. 2 and 3.
3. Petitioner would like to obtain a permit for a new 12' x 20' driveway extension, which is 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 part of Petitioner's driveway is in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 4 (A) thru (E) and 12.
4. The existing covered front porch is located 17.5 feet from the front street line and an existing shed is located 1 foot from the rear lot line, requiring validation. Variances of 7.5 feet front yard depth for the dwelling and 1 foot rear lot line setback for an accessory building were requested. Exhs. 2, 4 (A) thru (E) and 12.

5. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 30557-2017-0, dated June 17, 2017, requiring Petitioner to "Obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to a new driveway." Exh. 5.

6. Petitioner Juan Valbuena testified that when he purchased the property the existing driveway was located to the left of the property and was small (20' x 8').¹ With the need for additional parking area, he stated that he extended the existing parking area across a larger portion of the front yard ten years ago. Exhs. 2, 4 (A) thru (E) and 5.

7. Petitioner stated that all the concrete between the expanded driveway and the walkway will be removed in front of the house. The overall dimension of the improved driveway is 20' x 20'. Exh. 2.

8. Ms. Small, president of Radiant Valley Civic Association, stated she is pleased that the Petitioner is removing a substantial portion of the concrete and the association has no issues with the remaining driveway.

9. Ms. Small stated that many of the community properties have two-car driveways. 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the shape of the lot being narrow, the pre-existing driveway being only 20' x 8' and partially located in the front of the dwelling, 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 variances of 7.5 feet front yard depth for the dwelling, 1 foot rear lot line setback for an accessory building and a waiver of the parking area location requirement in order to validate existing conditions and obtain a building permit for a new 12' x 24' driveway in the front yard on the property located at Lot 13, Block G, Radiant Valley Subdivision, being 6913 Quincy Street, 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

BOARD OF ZONING APPEALS

By: ORIGINAL SIGNED

Bobbie S. Mack, Chairperson

¹ The driveway was already located partially in the front yard. Exh. 2.

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.