

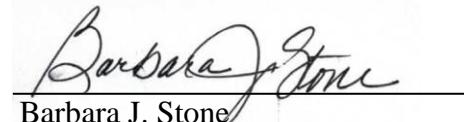
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-184-17 Kasandra Duarte

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: March 14, 2018.

CERTIFICATE OF SERVICE

This is to certify that on March 20, 2018, 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
DPIE/Inspections Division
Ernesto Luna, Spanish Language Interpreter

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

Petitioner: Kasandra Duarte

Appeal No.: V-184-17

Subject Property: Lot 3, Block A, Addition to Friendly Farms Subdivision, being 1806 Folk Drive, Fort Washington, Prince George's County, Maryland

Witnesses: Emily McGonigal, Neighbor

Jan McGonigal, Neighbor

Marcos Morales, Petitioners Husband

Heard: February 28, 2018; Decided: March 14, 2018

Board Members Present and Voting: 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, Petitioner requests that the Board approve a variance from Section 27-442(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate an existing condition and obtain a building permit for new concrete driveway area and to complete construction of an enclosed deck and covered balcony, with siding. A variance of 24.8% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1981, contains 10,276 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and detached garage. Exhibits (Exhs.) 2, 4, 10, 11, 12 (A) thru (B) and 12, (A) thru (H).

2. Petitioner would like to obtain a building permit to complete construction of a 13' x 19.5' enclosed deck and 13' x 19.5' covered balcony, with siding. A building permit is also required for a new 20' x 51'12" x 13.5' concrete driveway constructed behind the house. Exhs. 2, 3, 5 (A) thru (E) and 6 (A) thru (D).

3. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a Correction Order, dated September 22, 2017, requiring Petitioner to "Obtain a building permit for the rear deck and overhang, and concrete flatwork in the back yard." Exhs. 7 and 8.

4. Petitioner Kassandra Duarte testified that she wishes to expand the existing deck for her grandchildren. She explained that she was unaware that a permit was necessary for construction of the deck and new driveway. Exhs. 2, 3 (a) thru (b), 5 (A) thru (E) and 6 (A) thru (D).

5. Ms. Emily McGonigal (1807 Folk Drive) expressed concern about Petitioners need for an enclosed balcony with siding and believes it will constitute an additional room. She stated that all the houses on the street are single family dwellings. She also indicated concern about the number of vehicles (6 to 8) constantly parked on the grass, driveway and street, given that the subject property has a 50-foot driveway ending with a two-car garage. Exhs. 25 (A) thru (H). She questioned the actual use of the two-car garage.

6. Mr. Jan McGonigal (1807 Folk Drive) testified that cars are parked on the grass and in the rear yard. Exhs. 25 (A) thru (H) and 27.

7. Ms. Duarte explained that she understands the concerns of the neighbors but stated that she has five sons with cars. She further explained the enclosed balcony will be used as her bedroom.

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 variances do 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, by majority vote, Ms. Bobby Mack absent, that a variance of 24.8% net lot coverage to validate an existing condition and obtain a building permit for a new 20' x 51'12" x 13.5' concrete driveway and to complete construction of a 13' x 19.5' enclosed deck and 13' x 19.5' covered balcony with siding, on the property located at Lot 3, Block A, Addition to Friendly Farms Subdivision, being 1806 Folk Drive, Fort Washington, Prince George's County, Maryland, be and is hereby DENIED.

BOARD OF ZONING APPEALS

By: _____ (Original Signed)
Albert C. Scott, Vice Chairman

NOTICE

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.