

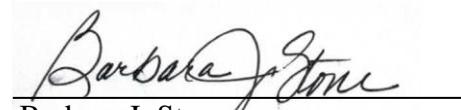
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-187-17 Juan Jose Reina

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: February 14, 2018.

CERTIFICATE OF SERVICE

This is to certify that on February 22, 2017, 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
Ernesto Luna, Spanish Language Interpreter

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

Petitioner: Juan Jose Reina

Appeal No.: V-187-17

Subject Property: Lot 28, Block C, Riggs Terrace Subdivision, being 2006 Van Buren Street, Hyattsville,
Prince George's County, Maryland

Spanish Language Interpreter Services: Ernesto Luna

Heard and Decided: February 14, 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 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 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 construct a covered front porch and driveway in the front yard. A variance of 4 feet front yard depth and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1950, contains 6,819 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).

2. Petitioner would like to construct a canopy over the existing 5' x 8' front porch, which is 21 feet from the front street line and an 18.5' x 26' driveway, part of which will 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. Therefore, a variance of 4 feet front yard depth and a waiver of the parking area location requirement were requested. Exhs. 2 and 4 (A) thru (C).

3. Petitioner explained that he would like to put a two-car parking area/driveway in the front yard of his property, which is a rental property. Exhs. 2 and 4 (A) thru (C).

4. He testified that at the end of Van Buren Street is an apartment building; tenants from the apartment park on the street, when his tenants arrive from work at 10:00 or 11:00 p.m. public parking on Van Buren Street is not available. Exhs. 2, 4 (A) thru (C) and 8 (A) thru (F).

5. Mr. Reina further testified he needs the off-street double-parking space because of the number of people living on his property.

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 narrowness, shallowness, shape, topography, or other extraordinary situation or condition on the subject property.
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 variance of 4 feet front yard depth and a waiver of the parking area location requirement to construct a canopy over the existing 5' x 8' front porch and a 18.5' x 26' driveway in the front yard on the property located at Lot 28, Block C, Riggs Terrace Subdivision, being 2006 Van Buren Street, Hyattsville, Prince George's County, Maryland, be and are hereby DENIED.

BOARD OF ZONING APPEALS

By: _____ (Original Signed)
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.