

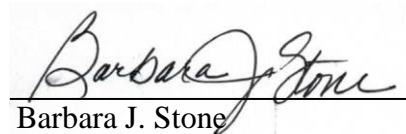
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-212-17 Francia Daza and Harold Ortega

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: April 25, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on May 16, 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
Leslie Bilchick, Spanish Language Interpreter

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

Petitioners: Francia Daza and Harold Ortega

Appeal No.: V-212-17

Subject Property: Lot 30, Block C, Bedford Subdivision, being 11909 Orvis Way, Laurel,
Prince George's County, Maryland

Witnesses: Marina Lemus, Neighbor

Heard: March 28, 2018; Decided: April 28, 2018

Spanish Language Interpreter Services: Leslie Bilchick

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 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 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width; Section 27-442(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings; 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. Petitioners propose to validate existing conditions, obtain a building permit for a new deck and construct an attached garage, driveway extension and covered deck. Variances of 6 feet side yard width for the dwelling, 7.1% net lot coverage, 2 feet 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 1967, contains 10,000 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway, in-ground pool and shed. Exhibits (Exhs.) 2, 5, 10, 11, 12 (A) thru (F) and 13.

2. Petitioners would like to obtain a building permit for a 16' x 25' deck, construct a 13' x 30' attached garage, 9' x 33' driveway extension and an 8' x 14' roof over a portion of the deck. The garage would be located 2 feet from the side lot line and the new construction would exceed the amount of lot coverage allowed. Variances of 6 feet side yard width for the dwelling and 7.1% net lot coverage were requested. Exhs. 2, 3 (a) thru (d), 4 (a) thru (b), 6 (A) thru (H) and 16.

3. A piece of concrete placed at the left corner of a pre-existing driveway 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 Petitioners'

driveway is in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 3 (a) thru (d), 4 (a) thru (b), 6 (A) thru (H) and 16.

4. The shed is located 1 foot from the rear lot line and a covered deck attached to the shed is located along the property line. A variance of 2 feet rear lot line setback for an accessory building was requested. Exhs. 2, 3 (a) thru (d), 4 (a) thru (b), 6 (A) thru (H) and 16.¹

5. Petitioner Harold Ortega testified that he would like to build a garage and include a partial roof over the existing deck (with steps) which is overlooking the pool area. In addition, Petitioner is requesting permission to include an extended driveway to the right of the existing front yard driveway to connect with the proposed garage.² Exhs. 2, 3 (a) thru (d), 4 (a) thru (b) and 6 (A) thru (H). The extension driveway will be at least 3.5 feet from the side yard.³

6. Ms. Marina Lemus, 11911 Orvis Way, Laurel, testified that she does not object to the garage.

7. Petitioner explained that he parked his boat on the grass but was advised by a County Inspector that the boat could not be parked there. He stated that the proposed carport will house the boat, so he can then park his cars in the driveway. Exhs. 27 and 28 (a) thru (c).

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 pre-existing location of the front yard driveway, the construction of the extended driveway connecting directly in front of the proposed carport, the need to remove his boat from the grassy area, the deck already pre-existing in the swimming pool area 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 6 feet side yard width for the dwelling, 7.1% net lot coverage, 2 feet rear lot line setback for an accessory building and a waiver of the parking area location requirement in order to validate existing conditions, obtain a building permit for a new 16' x 25' deck and construct a 13' x 30' attached open carport, 9' x 33' driveway extension and 8' x 14' deck

¹ The Department of Permitting, Inspections and Enforcement, Inspections Division, filed an Order to Show Cause (SP05-02-5620-17) on September 22, 2017 and a Consent Order to Enforce Compliance with Code (SP05-02-5620-17) on November 20, 2017. Exhs. 7 and 8.

² Mr. Ortega submitted a revised site plan and elevation plan demonstrating the conversion of the proposed garage to proposed open carport. Exhs. 27 and 28 (a) thru (c). The side of the carport will directly align with the side of the extended driveway.

³ Section 23-139 states that driveways must be located 3.5 feet from the property side line.

on the property located at Lot 30, Block C, Bedford Subdivision, being 11909 Orvis Way, Laurel, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 27 and approved elevation plans, Exhibits 28 (a) thru (c).

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 27-233(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.