



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

*NOTICE OF FINAL DECISION
OF BOARD OF APPEALS*

RE: Case No. V-221-17 Raul and Celia Melendez

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 11, 2018.

CERTIFICATE OF SERVICE

This is to certify that on May 30, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

Barbara J. Stone
Administrator

cc: Petitioners
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

Petitioners: Raul and Celia Melendez

Appeal No.: V-221-17

Subject Property: Lot 7, Block B, Woodlark Subdivision, being 7010 Wren Lane, Lanham,
Prince George's County, Maryland

Witnesses: Dorthea Obeng, Neighbor

Charlita McNair, Neighbor

Lyvoid McNair, Neighbor

Sidney Melendez, Petitioner's Daughter

Heard and Decided: April 11, 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, Petitioners request that the Board approve variances from Section 27-442(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 30% of the net lot area shall be covered by buildings and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioners propose to validate existing conditions and obtain a building permit for a new concrete driveway extension and new gazebo. Variances of 4.7% net lot coverage and 2 feet side and 2 feet rear lot line setbacks for an accessory building (shed) are requested.

Evidence Presented

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

1. The property was subdivided in 1969, contains 8,250 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. Petitioners would like to obtain a building permit for a new 8' x 40' concrete driveway extension and new 12' x 12' gazebo. Construction of the driveway and gazebo exceeded the amount of lot coverage allowed. A variance of 4.7% net lot coverage was requested. Exhs. 2, 3, 5 (A) thru (F), 10 (A) thru (F) and 13.

3. An existing 6' x 8' shed is located along the side and rear lot lines in the rear right corner of the property. Variances of 2 feet side and 2 feet rear line setbacks for an accessory building were requested. Exhs. 2, 3, 5 (A) thru (F), 10 (A) thru (F) and 13.

4. Petitioners testified that the work has been done, the gazebo was built nine years ago and a driveway was completed last year. He was unaware that he needed a permit for the driveway extension. The shed, being plastic can be removed¹. Exhs. 2, 3, 5 (A) thru (F) and 22.

5. He further testified that throughout the 28 years he has resided at the subject property, there have been several accidents. His cars have been damaged by a hit and run situations. He has included into the record a police report from the most recent accident. Pictures were also included in the submittal. Exhs. 20 and 21 (a) thru (c).

6. Mr. Melendez explained that there are numerous extended driveways in the neighborhood, so the driveway extension is not out of character. Exhs. 10 (A) thru (F).

7. Sidney Melendez, 7010 Wren Lane, testified that her car was involved a hit and run and would prefer to keep her car off the street.

8. Charlita McNair, 7008 Wren Lane, testified that they have had a couple of accidents on the street and she does not have any issues with the driveway.

9. Lyvoid McNair, 7008 Wren Lane, testified that they have no problems with the driveway nor do they have any issues with water runoff. There have been two hit and run accidents.

10. Dorthea Obeng, 7011 Wren Lane, testified that she has no issues with the Petitioner's driveway.

11. The Department of Permitting, Inspections and Enforcement, Inspections Division issued Building Violation Notice No. 56348-2017-0, dated November 28, 2017, requiring Petitioners to "Obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to extended driveway with concrete and Gazebo in rear." Exh. 6.

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 owners 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 need to remove the vehicles from the street for safety reasons, testimony from neighbors who also have driveway extension confirming the safety need 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 variance of 4.7% net lot coverage in order to validate existing conditions and obtain a building permit for a new 8' x 40' concrete driveway extension and new 12' x 12' gazebo on the property located at Lot 7, Block B, Woodlark Subdivision, being 7010 Wren Lane, Lanham, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 22 and approved elevation plan, Exhibit 3.

¹ Petitioner has revised the site plan to include a note to remove the shed. Exh. 22

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson
B.S.M.

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.

Revised

R-1407
CASE M-12049

HOUSE LOCATION

LOT 7 BLOCK B

PLAT ONE

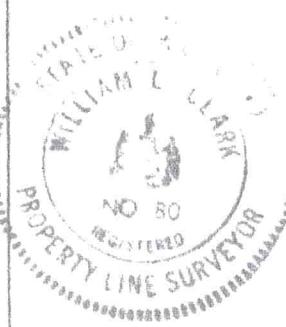
WOODLARK

PRINCE GEORGE'S COUNTY, MD

THIS PROPERTY IS LOCATED IN
FIRM ZONE C AS SHOWN

ON COMMUNITY - PANEL NUMBER
245208 30 OF NATIONAL

FLOOD INSURANCE MAP DATED
6-18-87

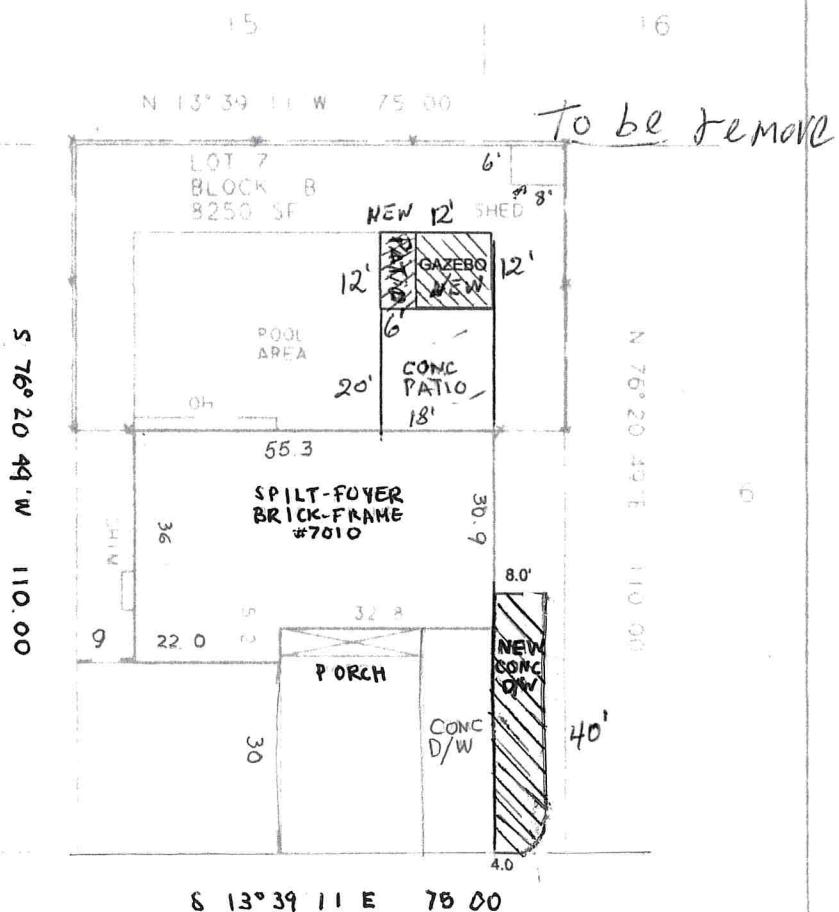


PLAT BOOK 72 PLAT 18

I HEREBY CERTIFY THAT THE LOCATION OF THE EXISTING IMPROVEMENTS ON
THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A
PANALI TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN THERE ARE NO
ENCROACHMENTS. THIS HOUSE LOCATION IS NOT TO BE USED OR REFERRED TO
FOR THE ESTABLISHMENT OF ANY FENCE, BUILDING, OR OTHER IMPROVEMENT
LINES AND NO PROPERTY CORNERS WERE LIT. THIS HOUSE LOCATION WAS
PREPARED AT THE REQUEST OF THE ENGINEERING INSTITUTION AND NO FIELD
REPORT WAS FURNISHED.

12-30-93 *Barbara J. Stom*

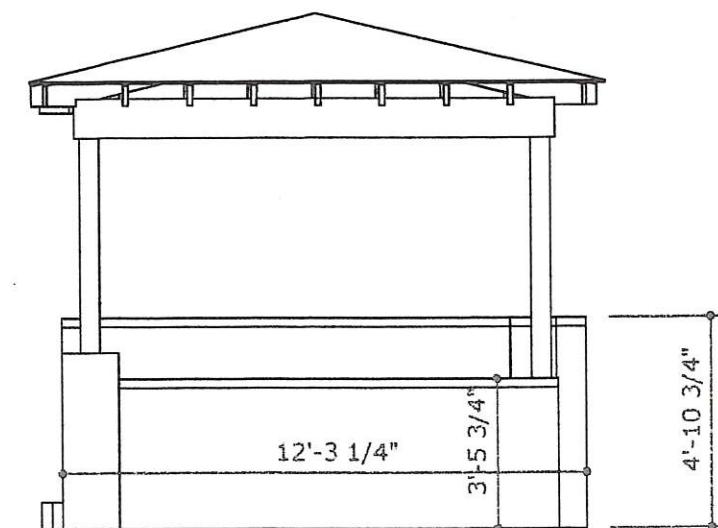
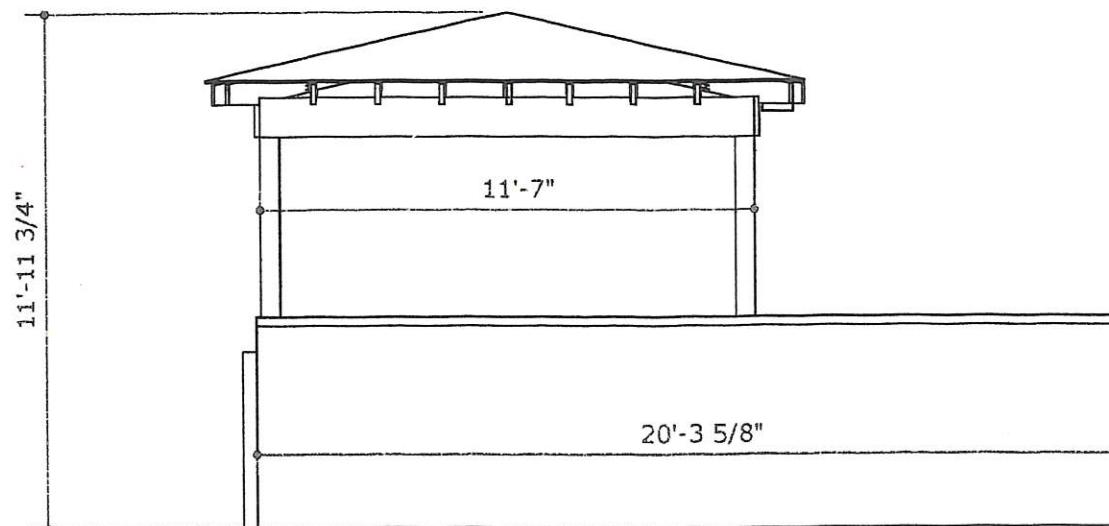
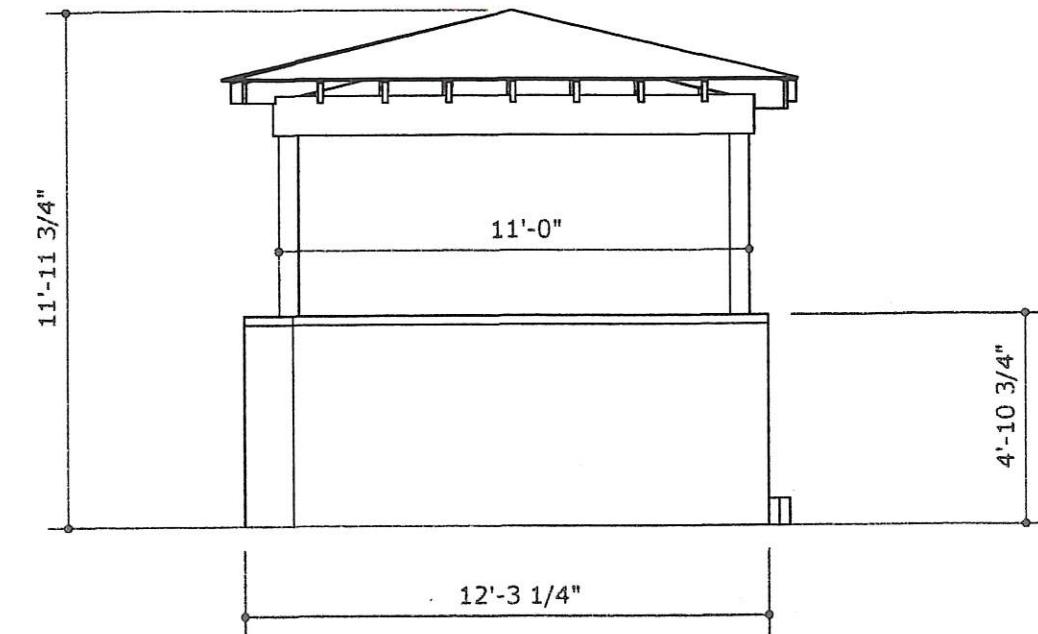
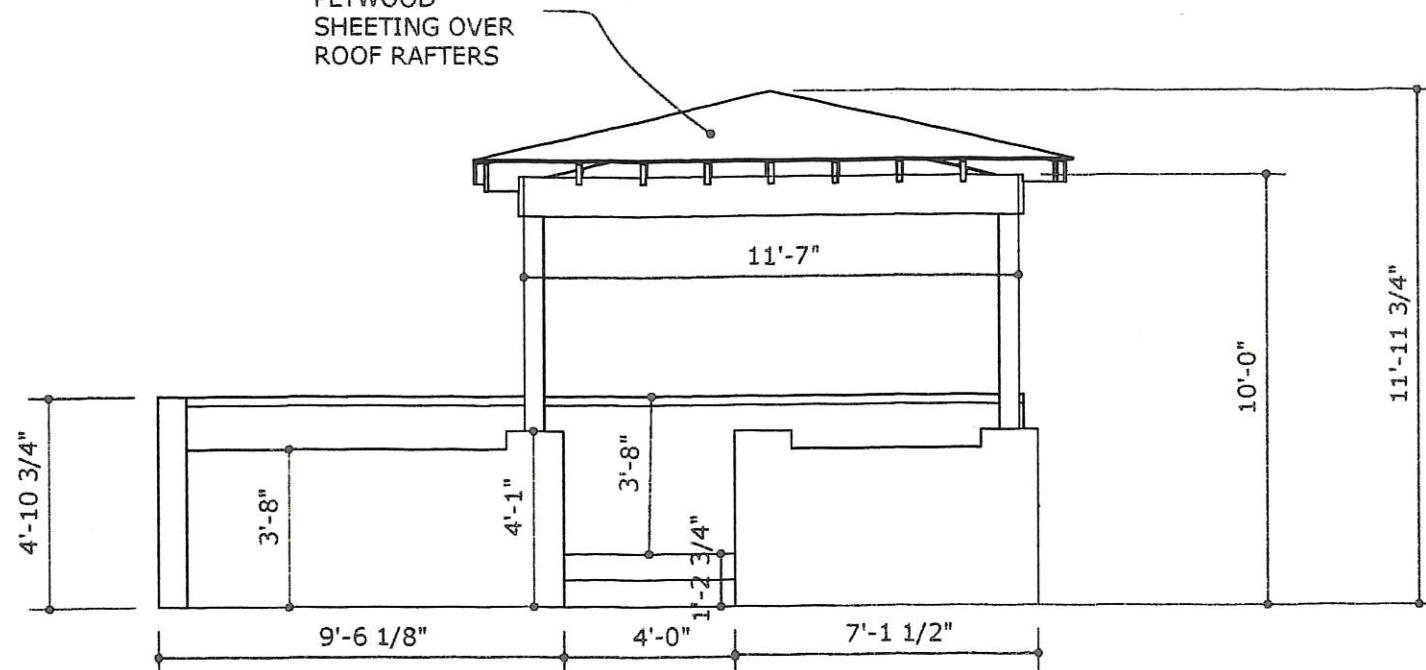
SCALE 1" = 30' DATE 12/30/93



BELTWAY SURVEYS

ENGINEERS PLANNERS SURVEYORS
5624 ALLEGHENY ROAD
CLAMPTREEF, MARYLAND 20746
(301) 470-8994 (301) 344-5446

TERRA COTTA
ROOF TILES ON
PLYWOOD
SHEETING OVER
ROOF RAFTERS



EXH. # 3
V-221-17

SCALE 1/4" = 1'