

NOTICE OF FINAL DECISION

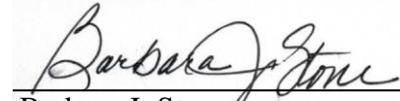
OF BOARD OF APPEALS

RE: Case No. V-7-18 Santos Revocable Management Trust

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: May 9, 2018.

CERTIFICATE OF SERVICE

This is to certify that on May 18, 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
Other Interested Parties

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

Petitioner: Santos Revocable Management Trust

Appeal No.: V-7-18

Subject Property: Parcel 166, Tax Map 110, Grid C3, being 7406 Sasscer Lane, Upper Marlboro, Prince George's County, Maryland

Witnesses: Yuri Vallecana, Permit Expediter

Manuel Santos, Trustee

Amporn O'Neil, Trustee

Heard: April 25, 2018; Decided: May 9, 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 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(d)(Table III) of the Zoning Ordinance, which prescribes that each lot shall have a minimum width of 25 feet measured along the front street line. Petitioner proposes to validate an existing condition (lot width) and construct a one-story dwelling, with basement and attached garage, and driveway. A variance of 5.89 feet front street line width is requested.

Evidence Presented

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

1. The property contains 101,237.79 square feet (2.3241 acres), is zoned R-A (Residential-Agricultural) and is planned to be improved with a single-family dwelling and driveway. The property is shaped as a flag lot but not created under 24-138 Flag lot Development. Exhibits (Exhs.) 3, 6, 7, 8, 11, 12 and 13 (A) thru (F).

2. The property was created by deed in L.25434 F.425 dated June 6, 2006. Exhs. 6. Mr. Santos bought the property in 2015. Exh. 7.

3. Petitioner would like to construct a 2,896 square-foot one-story dwelling, with basement and attached garage, and 10' x 400' driveway. Section 27-442(d) states that each lot shall have a minimum width of 25 feet measured along the front street line. The actual frontage of the property is 19.11 feet. A variance of 5.89 feet front street line width is, therefore, requested. Exhs. 3 and 4 (a) thru (c).

4. The subject property, described as Parcel 166, resulted from either a distribution of estate or lineal decent of 9 lots.¹ Without the variance, the lot would be deemed unbuildable. Exhs. 3, 4 (a) thru (c), 5 (1) thru (5).

5. Manuel Santos testified that the 5.89 feet front street line width is necessary to validate an existing condition and to construct a one-story dwelling (with basement), attached garage and extended driveway. Exhs. 3, 4 (a) thru (c), 5 (1) thru (5).

¹The Board surmises that since division by deeds are not reviewed for zoning purposes, the inadequate width of the frontage of the subject property resulted solely from the partition by the grantor.

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject property being divided by deed (without the requirement for zoning review), the property being shaped as a flag lot, the subject lot would be unbuildable without variance relief 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 a variance of 5.89 feet along the front street line to validate an existing condition (lot width) and construct a one-story dwelling, with basement and attached garage, and driveway on the property located at Parcel 166, Tax Map 110, Grid C3, being 7406 Sasscer Lane, Upper Marlboro, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3 and approved elevation plans, Exhibits 4 (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.