



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

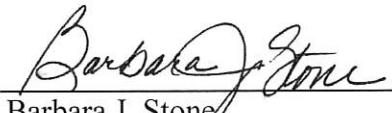
OF BOARD OF APPEALS

RE: Case No. V-30-18 Martin Signore

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 23, 2018.

CERTIFICATE OF SERVICE

This is to certify that on May 31, 2018, 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

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

Petitioner: Martin Signore

Appeal No.: V-30-18

Subject Property: Lot 26, Block J, New Hampshire Estates, being 8310 12th Avenue, Silver Spring, Prince George's County, Maryland

Heard and Decided: May 23, 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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking 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 driveway in the front yard of a semi-detached single-family dwelling. A variance of 2% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 3,750 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling. Exhibits (Exhs.) 2, 3, 6, 7 and 8.
2. The lot is very long and narrow (125' in depth by 30' in width). The dwelling, with a concrete sidewalk, is situated on the extreme right side of the property adjacent to the property line. Exhs. 2 and 3.
3. Petitioner would like to construct a 10' x 30' driveway, a corner of which would be in front of the dwelling, and the construction would exceed the amount of lot coverage allowed. 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 2% net lot coverage and a waiver of the parking area location requirement were requested. Exhs. 2, 4 (A) thru (G) and 10.
4. Petitioner Martin Signore testified that the subject property is a rental property and he would like to construct a driveway for the tenants. He stated that adjoining properties on each side of the subject property have driveways. Exhs. 2, 4 (A) thru (G) and 8 (A) thru (F).

5. Mr. Signore stated that the proposed driveway will expand one foot in front of the house because of the 3.5-foot setback requirement for the front side yard for newly constructed driveways.¹ Exhs. 2 and 4 (A) thru (G).

6. The site plan was revised to decrease the size of the driveway by creating a 6-foot greenspace between the driveway and the house. The new dimensions of the driveway are 10' x 24', which in turn decreases the lot coverage to a slight .3%. Exh. 17.

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 lot being extremely narrow (only 30 feet wide), lack of suitable space on the right side of the property for a driveway, 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 .3% net lot coverage and a waiver of the parking area location requirement to construct a 10' x 24' driveway in the front yard of a semi-detached single-family dwelling on the property located at Lot 26, Block J, New Hampshire Estates, being 8310 12th Avenue, Silver Spring, 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 17.

BOARD OF ZONING APPEALS

By: 
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:

¹ See Section 27-139(B)(i) of the Prince George's County Zoning Ordinance.

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.

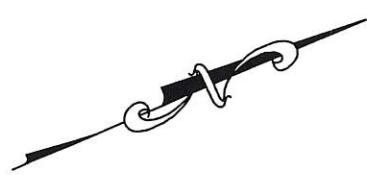
Revised

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

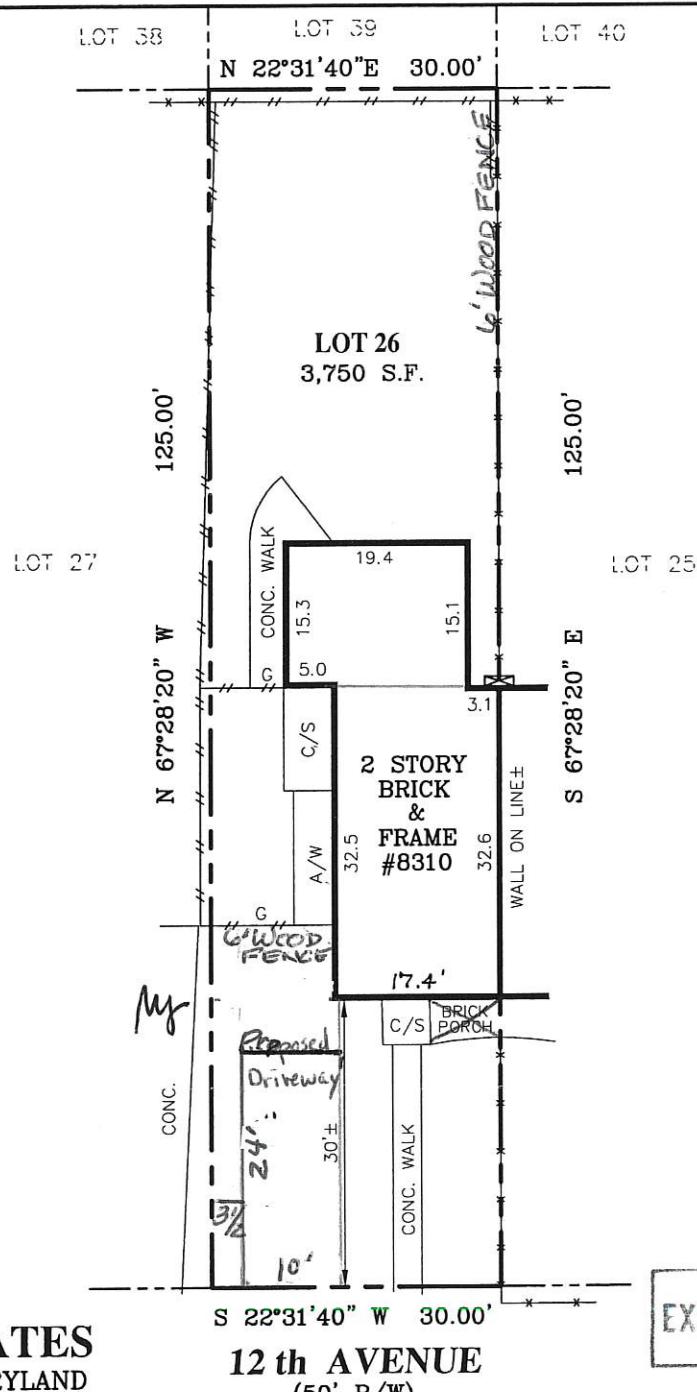
Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 3 feet.
No property corners found.
2. Fences, if shown, have been located by approximate methods.



LOCATION DRAWING
LOT 26, BLOCK J

NEW HAMPSHIRE ESTATES
PRINCE GEORGE'S COUNTY, MARYLAND



EXH. # 17
V-30-18

SURVEYOR'S CERTIFICATE		REFERENCES
<p>"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."</p> <p><i>Jeffrey A. Foster</i> MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587 Expires: 04-02-2013</p>		<p>PLAT BK. <i>W.W.W.</i> PLAT NO. <i>100</i></p> <p>LIBER <i>3965</i> FOLIO <i>435</i></p>

REFERENCES		SNIDER & ASSOCIATES SURVEYORS - ENGINEERS LAND PLANNING CONSULTANTS 20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20876 301/948-5100, Fax 301/948-1286	
<p>PLAT BK. <i>W.W.W.</i> PLAT NO. <i>100</i></p> <p>LIBER <i>3965</i> FOLIO <i>435</i></p>		<p>DATE OF LOCATIONS WALL CHECK: HSE. LOC.: <i>04-12-12</i></p>	<p>SCALE: 1" = 20' DRAWN BY: <i>D.M.L.</i> JOB NO.: <i>12-01318</i></p>