



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-58-22 Lara Investments, LLC.

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: September 14, 2022.

CERTIFICATE OF SERVICE

This is to certify that on October 12, 2022, 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: 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: Lara Investments, LLC

Appeal No.: V-58-22

Subject Property: Lot 16, Block 14, Hynesboro Park Subdivision, known as 9017 3rd Street, Lanham, Prince George's County, Maryland

Counsel for Petitioner: Brian Gormley, Esq., Law Office of Brian Gormley

Witness: Shane Umstead, Contractor/Engineering Team

Heard and Decided: September 14, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Vacant, 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 27-120.01(c) 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. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1887, contains 10,086 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, (gravel and grass) driveway and covered front porch. Exhibits (Exhs.) 2, 3, 6, 7 and 9 (A) thru (G).
2. The subject property is located on a corner lot. The legal front yard is on 3rd Street and the dwelling fronts on Cipriano Road. Exhs. 2 and 9 (A) thru (G).
3. The dwelling is facing the corner of the lot where Cipriano Road and 3rd Street intersect. Exh. 2.
4. Petitioner proposes to obtain a permit to construct a 12 'x 50' paved driveway. Because the driveway will be extended in front of the dwelling, a waiver of the parking area location is required. Exhs. 2 and 9 (A) thru (G).
5. Attorney Brian Gormley stated that Petitioner would like to expand the width (12 feet) of the existing driveway. He stated that the house is fronting a major thoroughfare (Cipriano Road) which has a sidewalk and is not possible to access. He believed that the proposed driveway would be an improvement to the property because it will connect the ancillary road (3rd Street) to the "front" walkway to the house. He further stated that this is a single-family house on a corner lot that is also very odd-shaped. Exhs. 2, 4 (A) thru (F).
6. He believed that the criteria set forth in Section 27-230 for a variance is met because of the unique shape of the subject property; the inability to build a regular driveway that does not exceed into the width of the existing structure (and connect to the walkway); and only the minimally reasonable

development is proposed (only 12 feet in width) to accommodate two cars piggybacked in the driveway. He contended that the proposed driveway would minimize disruption on the corner lot and will not impair other homeowners in any way. Exhs. 2, and 4 (A) thru (F)

7. Mr. Shane Umstead testified that he is the contractor and part of the engineering team. He explained that the proposed driveway will extend up to the front porch/door.

8. He stated that other homes (in the neighborhood) have driveways. Exhs. (A) thru (G).

9. He further explained that because the subject property is a corner lot and the house is facing Cipriano Road, which is a major collector road with public utilities, it would not be feasible to have an access point (driveway) from that street.¹

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

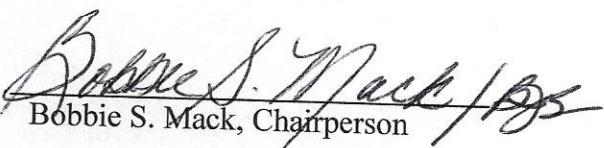
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being an odd-shaped corner lot, the existing location of the dwelling on the lot where it faces Cipriano Road (a busy street with existing sidewalks), no other feasible and safe areas exist to locate the driveway that will connect with the walkway, 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(s) of the property.

BE IT THEREFORE RESOLVED, unanimously, that a waiver of the parking area location requirement in order to obtain a permit to construct a 12'x 50' driveway on the property located at 9017 3rd Street, Lanham, 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, Ext. 2.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

¹ He explained that Exhibit 4F shows construction associated with utility work (dead tree removal) that is not on Petitioner's property and no new construction has occurred on the subject property.

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.

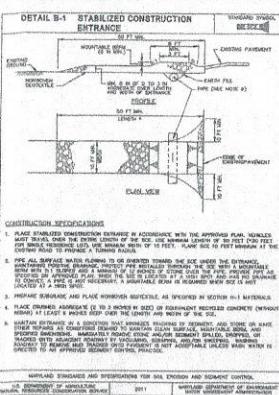
Further, Section 27-233(a) of the Prince George's County Code states:

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.

LEGEND

These standard symbols will be found in the drawing.

- +
- EXISTING ELEVATIONS
- ANCHOR/GUYWIRE
- TREE CONSERVATION AREA
- STONE CONST. ENT.
- WATER VALVE
- SEWER MANHOLE
- LIMIT OF DISTURBANCE
- EX. CONTOURS
- SEWER LINE
- EDGE OF PAVING
- STREAM/CREEK
- WATER LINE
- EX. WOODSLINE
- SILT FENCE
- UTILITY POLE
- FIRE HYDRANT
- SPECIFIC TREES



DETAIL B-1 STABILIZED CONSTRUCTION ENTRANCE

STABILIZED CONSTRUCTION ENTRANCE

RESIDENTIAL REQUIREMENTS FOR ONE FAMILY DETACHED LOTS

1) Lot size range: $10,000 \text{ square feet}$
2) Number of lots: 2
3) Total number of trees required per lot: 10
4) Total number of trees provided: 10

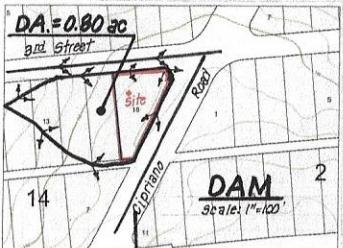
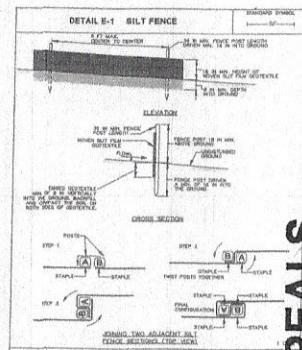
5) Number of shade trees required per lot to be provided on the south and/or west side of the residential structure: 5
6) Total number of shade trees provided on the south or west side of structures: 5
7) Total number of trees required per lot to be located in the front yard: 5
8) Total number of trees provided in front yard: 5

SCHEDULE 4.9.1
Sustainable Landscape Requirements

(b) Percentage of native plant materials required in each category:

Shade Trees	total: 5	$\times 50\%$	2	total number required
Evergreen	total: 5	$\times 50\%$	2	total number required
Ornamentals	total: 5	$\times 50\%$	2	total number required
Shrubs	total: 5	$\times 30\%$	1	total number required

9) Are native species proposed: yes no
10) Are non-native species proposed: yes no
11) Are trees proposed to be planted in the trees that are to remain undisturbed: yes no
12) Are trees proposed to be planted in the trees that are to be removed: yes no
13) Are trees proposed to be planted in the trees that are to be removed and replaced with new species prior to certification in accordance with article 10 of the Maryland Native Plant Ordinance: yes no
14) Are trees proposed to be planted on slopes greater than 3:1: yes no



APPROVED SEP 14 2022

BOARD OF APPEALS

By [Signature]
ADMINISTRATOR

OWNER/DEVELOPER/APPLICANT

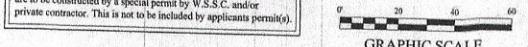
SHANE UMSTEAD
5616 WESTGATE ROAD
LANHAM, MD 20706
443-336-6401

CALL "MISS UTILITY" TELEPHONE NUMBER 1-800-257-7777
FOR UTILITY LOCATIONS AT LEAST 48 HOURS BEFORE
BEGINNING CONSTRUCTION.

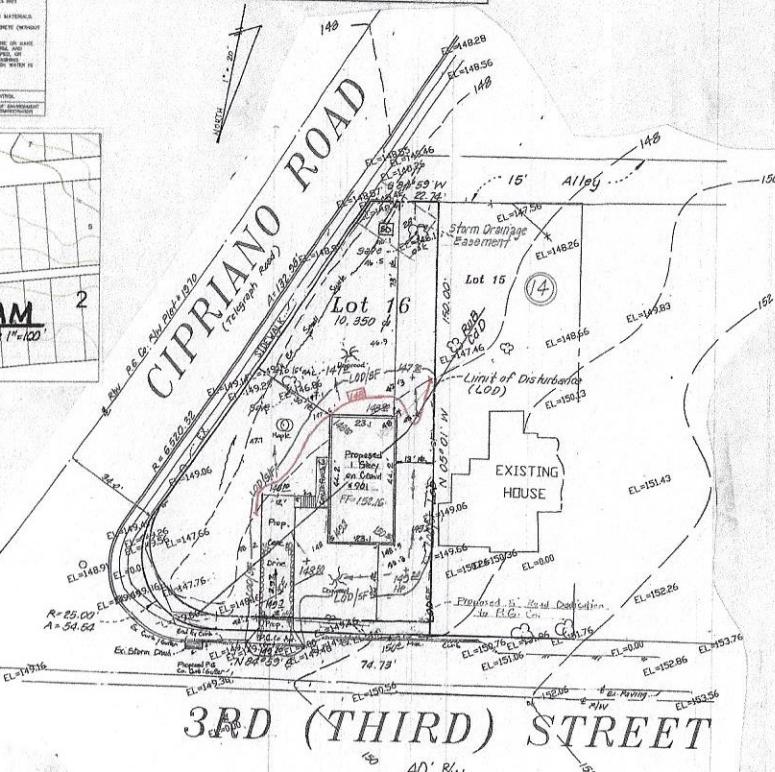
LANDSCAPE SCHEDULE

NO.	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	METHOD	CITY	NATIVE	RIGHT
1.		ACER RUBRUM	RUBBISH MAPLE	21/2"-3"	R&B	1	YES	12'-14'
2.		QUERCUS PALUSTRIS	PIN OAK	21/2"-3"	R&B	0	YES	12'-14'
3.		CORNUS KOUSI	KOUSI DOGWOOD	11/2"-2"	R&B	2	YES	8'-10'
4.		PRUNUS SP.	FLOWERING CHERRY	11/2"-2"	R&B	0	YES	8'-10'

Water and sewer house connections (new and/or existing upgrades) are to be constructed by a special permit by W.S.S.C. and/or private contractor. This is not to be included by applicants permit(s).



GRAPHIC SCALE



Tree Canopy Coverage Schedule for Lot 15, Block 14

Project Name: Hynesboro Park Lot 15, Block 14

TCC#: **UWIC Case #:** **Area (acres):**

Site Calculations:

Zone 1	0.50	0.50
Zone 2	0.00	0.00
Zone 3	0.00	0.00
Zone 4	0.00	0.00
Total Acres (Area acres)	0.50	0.50
% of TCC Required	100%	100%
TCC Required (Acres)	0.50	0.50
Requirement Satisfied		

Total Acres (Area acres) **% of TCC Required** **TCC Required (Acres)**

A. TOTAL ON SITE PROVIDED (acres): **0.50** **0.50**
B. TOTAL PROVIDED (acres): **0.50** **0.50**
C. TOTAL SQUARE FEET IN LANDSCAPE PROVIDED: **300000**
D. TOTAL TREE CANOPY COVERAGE PROVIDED: **100%**
E. TOTAL SQUARE FEET PROVIDED: **300000**

Credit Categories for Landscape Tree

Based on Height of Tree (feet)	Number of Trees	TCC Credit (acres)
Deciduous: $10\text{ft} \leq \text{height} < 10\text{ft}$ or less height	0	0
Deciduous: $11\text{ft} \leq \text{height} < 12\text{ft}$	1	0.005
Deciduous: $13\text{ft} \leq \text{height} < 14\text{ft}$	1	0.015
Deciduous: $15\text{ft} \leq \text{height} < 16\text{ft}$	1	0.025
Deciduous: $17\text{ft} \leq \text{height} < 18\text{ft}$	1	0.035
Deciduous: $19\text{ft} \leq \text{height} < 20\text{ft}$	1	0.045
Deciduous: $21\text{ft} \leq \text{height} < 22\text{ft}$	1	0.055
Deciduous: $23\text{ft} \leq \text{height} < 24\text{ft}$	1	0.065
Deciduous: $25\text{ft} \leq \text{height} < 26\text{ft}$	1	0.075
Evergreen: $10\text{ft} \leq \text{height} < 10\text{ft}$ or less height or spread less than 15"	0	0
Evergreen: $11\text{ft} \leq \text{height} < 12\text{ft}$	1	0.005
Evergreen: $13\text{ft} \leq \text{height} < 14\text{ft}$	1	0.015
Evergreen: $15\text{ft} \leq \text{height} < 16\text{ft}$	1	0.025
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Evergreen: $23\text{ft} \leq \text{height} < 24\text{ft}$	1	0.065
Evergreen: $25\text{ft} \leq \text{height} < 26\text{ft}$	1	0.075

PR **Signature** **5/20/2021**

Prince George's County Maryland
Department of Permitting, Inspections & Enforcement
APPROVED PLAN SET

The Department of Permitting, Inspections and Enforcement has completed a review of the submitted site plan and found it to be complete. As required by State Code, the developer is responsible for retaining the original plan set and a copy of these documents with their original seal, signature and date.

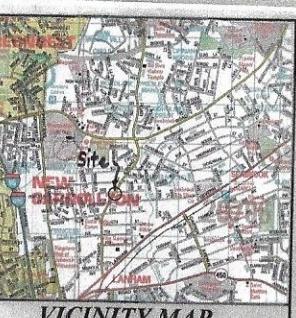
Case Name: Hynesboro Park, Lot 15, Block 14 - Initial
Issue Date: 12/17/2020
Address: 5616 Westgate Road, Lanham, Maryland 20706
Lots and Block(s): PT of Lot 14, Block 14
Reviewed by MTS

APPROVED
[Signature]
Ray DeGarmo

DPIE
DEPARTMENT OF PLANNING, INSPECTION & ENFORCEMENT

DATE: **5/20/2021** REVIEWED BY: **[Signature]**

EXHIBIT
2
V-58-22



SCALE = 1" = 2000'

Copyright ADC "The Map People" Permitted use no. 20492158

GENERAL NOTES:

1. Tax Account No: **3674681**
2. Property Zoned: **R-55**
3. Total Acres Site: **0.50** **0.239 ac**
4. Height of Proposed development: **14'-7.75'**
5. Site Located on ADC Map Page: **Grid 9**
6. Property on Tax Map: **Grid 9** **Grid 10**
7. Property on Tax Map: **Grid 9** **Grid 10**
8. W.S.S.C. 2007 Sheet No: **228N-50**
9. This property **NOT** located in the 100 year floodplain as per FEMA/FIRM Map.
10. This plan was prepared without the benefit of a title report.
11. Aviation Policy Area: **N/A**
12. Policy Analysis Zone: **N/A**
13. Planning Area: **8 - 70**
14. Conservation District: **3rd**
15. General Plan 2002 Tier: **Developing**
16. Traffic Analysis Zone (TAZ): **1/129**
17. PO: Traffic Analysis Zone (TAZ-PO): **1/129**
18. Soil/Topo: **C-0** **C-1** **C-2** **C-3** **C-4** **C-5** **C-6** **C-7** **C-8** **C-9** **C-10** **C-11** **C-12** **C-13** **C-14** **C-15** **C-16** **C-17** **C-18** **C-19** **C-20** **C-21** **C-22** **C-23** **C-24** **C-25** **C-26** **C-27** **C-28** **C-29** **C-30** **C-31** **C-32** **C-33** **C-34** **C-35** **C-36** **C-37** **C-38** **C-39** **C-40** **C-41** **C-42** **C-43** **C-44** **C-45** **C-46** **C-47** **C-48** **C-49** **C-50** **C-51** **C-52** **C-53** **C-54** **C-55** **C-56** **C-57** **C-58** **C-59** **C-60** **C-61** **C-62** **C-63** **C-64** **C-65** **C-66** **C-67** **C-68** **C-69** **C-70** **C-71** **C-72** **C-73** **C-74** **C-75** **C-76** **C-77** **C-78** **C-79** **C-80** **C-81** **C-82** **C-83** **C-84** **C-85** **C-86** **C-87** **C-88** **C-89** **C-90** **C-91** **C-92** **C-93** **C-94** **C-95** **C-96** **C-97** **C-98** **C-99** **C-100** **C-101** **C-102** **C-103** **C-104** **C-105** **C-106** **C-107** **C-108** **C-109** 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