



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

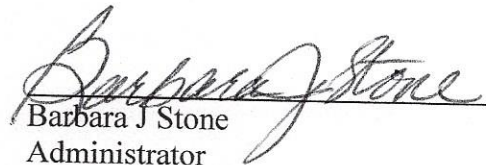
OF BOARD OF APPEALS

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.


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.

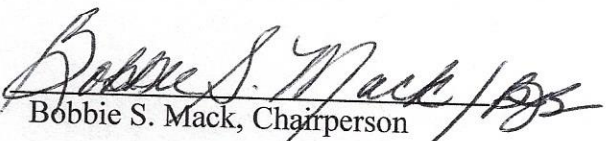
Findings of the Board

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

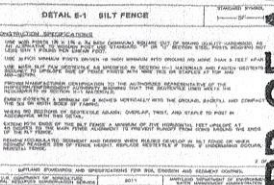
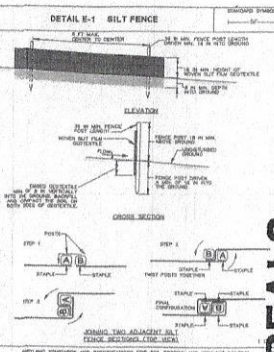
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

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.

These standard symbols will be found in the drawing.

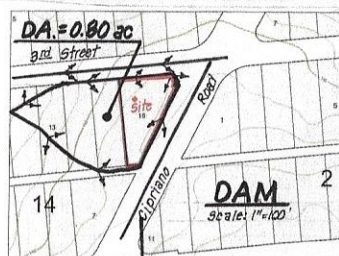
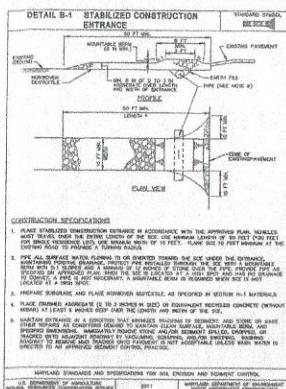
- | | |
|--|------------------------|
| + | EXISTING ELEVATIONS |
| 5'-0" | ANCHOR/GUYWIRE |
|  | TREE CONSERVATION AREA |
|  | STONE CONST. ENT. |
|  | WATER VALVE |
|  | SEWER MANHOLE |
|  | LIMIT OF DISTURBANCE |
|  | EX. CONTOURS |
|  | SEWER LINE |
|  | EDGE OF PAVING |
|  | STREAM/CREEK |
|  | WATER LINE |
|  | EX. WOODS LINE |
|  | SILT FENCE |
|  | UTILITY POLE |
|  | FIRE HYDRANT |
|  | SPECIFIC TREES |



BOARD OF APPEALS

APPROVED SEP 14 2022

ADMINISTRATOR



SCHEDULE 4-1-1
Residential Requirements for a Family Detached Lots

1. Lot size range: 10,000 sq. ft.

2. Number of lots: 1

3. Total number of trees required per lot: 1

4. Total number of trees provided: 1

5. Number of shade trees required per lot to be located on the south and/or west side of the residential structure:
1 shade trees
0 ornamental trees
0 evergreen trees
0 seedling shade trees
75 (min 25 inch dbh and 10' dbh) shade trees
0 shade trees

6. Total number of shade trees provided on the south and/or west side of structure:
1 shade trees

7. Number of trees required per lot to be located in the front yard:
0 shade trees
0 ornamental/evergreen trees
0 evergreen trees
0 ornamental/evergreen trees

8. Shade trees planted on the south and/or west side and within 30 feet of a residential structure, which is located in the front yard:
1 shade trees
0 ornamental/evergreen trees
0 evergreen trees
0 ornamental/evergreen trees

* Shade trees planted on the south and/or west side and within 30 feet of a residential structure, which are also located in the front yard, may be counted in both six and eight above.

SCHEDULE 4.9.1
Sustainable Landscape Requirements

1) Percentage of native plant materials required in each category:

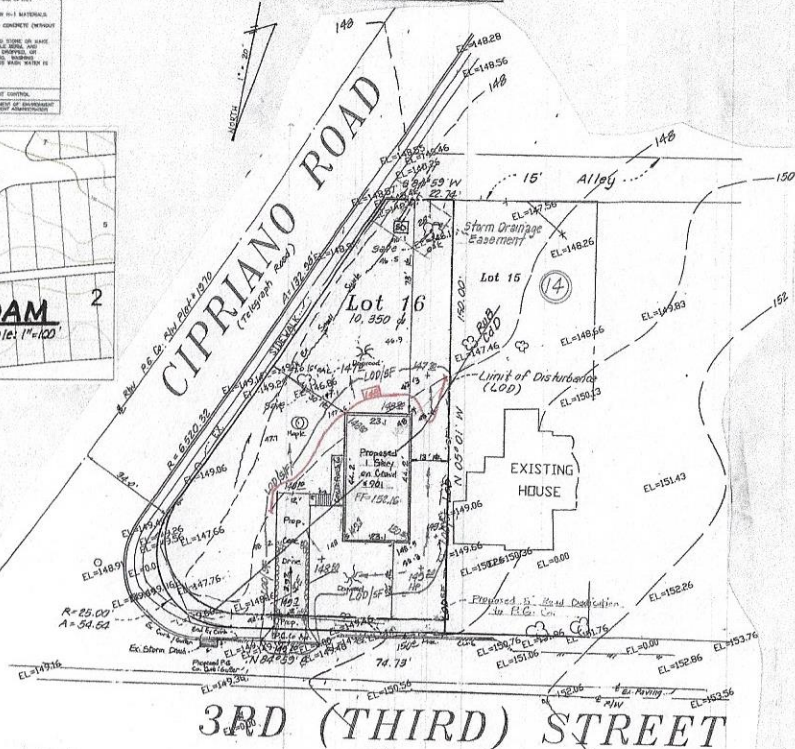
Shade Trees:	total = 100%	% native = 50%	total number required = 10	% native = 5
Ornamentals:	total = 100%	% native = 10%	total number required = 10	% native = 1
Evergreen:	total = 100%	% native = 10%	total number required = 10	% native = 1
Shrub:	total = 100%	% native = 30%	total number required = 10	% native = 3

2) Are invasive species present? ☒ yes ☐ no

3) Are actively invasive species on-site or are there any to be removed? ☒ yes ☐ no

4) Is "YF" in category 1 or 2? ☒ yes ☐ no
 (Note: "YF" is included in the percentage of native included on the plant requisitioning of invasive noted prior to certification in accordance with Section 15.5, Clarifying of Plant Material?)

5) Are trees proposed to be planted on slopes greater than 1:1? ☒ yes ☐ no



LANDSCAPE SCHEDULE									
NO.	SYMBOL	BUTANIC NAME	COMMON NAME	SIZE	METHOD	QTY.	NATIVE	HEIGHT	
		SHADE							
1.		ACER RUBRUM	RED MAPLE	212"-3"	BAB	1	YES	17'-14'	
2.		QUERCUS PALUSTRIS	PIN OAK	212"-3"	BAB	0	YES	17'-14'	
		ORNAMENTALS							
3.		CORNUS KOUSA	KOUSA DOGWOOD	112"-134"	BAB	2	YES	8'-10'	
		PRUNUS SP.	FLOWERING CHERRY	112"-134"	BAB	0	YES	8'-10'	

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.

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

GRADING CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAN IS IN ACCORDANCE WITH AND IN CONFORMANCE TO THE MINIMUM STANDARDS AND REQUIREMENTS OF SUBTITLE 32, DIVISION 2 OF THE PRINCE GEORGES COUNTY BUILDING CODE AND THAT I HAVE INSPECTED THE SITE AND THAT DRAINAGE FLOWS FROM UPGRADE ON AND DOWNGRADE ONTO PROPERTY HAS BEEN ADDRESSED IN SUBSTANTIAL ACCORDANCE WITH APPLICABLE CODE.

TOTAL AREA DISTURBED:

50-25-2021

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 this document for code compliance. As required by State Code, the design professional(s) responsible for the preparation and content of this document must provide a recon copy of these documents with their original seal, signature and date.

Case Name: Hynasboro Park, LH 16, Block 14 - Info
Case Number (Plan Approval #): 23512-2021-0
Case Type: EWM
Issuance Date: 12/17/2021
Address: 9017 3RD ST LANHAM, Maryland 20706
Lot(s) and Block(s): PT of Lot 14, Block 14
Reviewed by MTs

APPROVED BY:

Rh

EXHIBIT
2
V-58-22

GENERAL NOTES:

1. Tax Account No. 267555
2. Property Zoned: R-55
3. Total Area of 10.93 acres or 0.238 ac
4. Total Lot Coverage 14.77%
5. Height of Proposed Structure 18'
6. Site Located on ADC Map page Grid
7. Property on Tax Map Grid Grid 0-2
8. W.S.S.G. 2007 Sheet No. 2020NE-10
9. This property is located in the 100 year floodplain as per the FEMA Flood 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 9-7
14. Cherokee District 3rd
15. General Plan 2002 Tier Developing
16. Traffic Analysis Zone (COG) TAPZ 1129
17. COG Traffic Analysis Zone (TAZ)-PO 1129
18. 541 Tapped COG Denver Urban complex
19. Robert Residential Urban complex 20. 25% slope

SURVEYS, INC.

SURVEYORS • ENGINEERS • LAND PLANNERS
PERMIT SERVICES
350 MAIN STREET
LAUREL, MARYLAND, 20707
PHONE 301-714-0941 • E-MAIL SURVEYING@VERIZON.NET

REVISION	
----------	--

[illegible]

CONCEPTUAL

SITE DEVELOPMENT PLAN
9017 3rd Street

Lot 16, Blk. "14"
"HYNESBORO PARK"

(20th) Lanham Election District
Prince George's County, Maryland

1" = 20'	DESIGNER C. B.	CHECKED BY G. A.
----------	-------------------	---------------------

3-01-2021	DRAFTER to/gb	FIELD BOOK
-----------	------------------	------------

IMAGE	SHEET NUMBER	FILE NUMBER
-06	1 of 1	1-516