

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

Petitioners: David Mateo & Jorge Mateo
Appeal No.: V-26-19
Subject Property: Lots 450 & 451, Lenox Subdivision, being 4315 Lawrence Street, Brentwood,
Prince George's County, Maryland
Municipality: Town of Colmar Manor
Heard: April 17, 2019; Decided: June 12, 2019
Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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, Petitioners request that the Board approve a variance from Section 27-442(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 5000 square feet. Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line. Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 8 feet in width. 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. Petitioners propose to validate existing conditions (property, dwelling) and construct an extended driveway. Variances of 200 square feet net lot area, 10 feet front building line width, 8.5 feet front yard depth, 1-foot side yard width and 21% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1920, contains 4,800 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway strips. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru G).
2. Petitioners would like to validate existing conditions (property, dwelling) and construct an extended driveway and patio.¹ Exhs. 2, 4 (A) thru (J).
3. Petitioner David Mateo testified that he would like to rebuild the two parallel concrete driveway strips (which are cracked and in disrepair) and extend the driveway to the patio area in the rear yard. The extension will be 22 feet from the original driveway and provide more vehicular safety to their four young children. Exhs. 2, 4 (A) thru (J).
5. He added that his other hardship is that the rear yard and side yards remain constantly muddy and unable to utilize. Exhs. 2, 4 (A) thru (J).

¹ The Town of Colmar Manor requested that 50% of the length of the driveway and the patio area be constructed with permeable pavers. The revised site plan is in conformance with that request. 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the need to secure a safer area for the children, to mitigate a constant water condition on the subject property 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 200 square feet net lot area, 10 feet front building line width, 8.5 feet front yard depth, 1-foot side yard width and 21% net lot coverage in order to validate existing conditions (property, dwelling) and construct an extended driveway on the property located at Lots 450 & 451, Lenox Subdivision, being 4315 Lawrence Street, Brentwood, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

Bobbie S. Mack, ChairpersonNOTICE

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.

