

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-34-19 Aristides and Carmen Arias

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: February 19, 2020.

CERTIFICATE OF SERVICE

This is to certify that on September 14, 2020, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner(s)
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

Petitioners: Aristides and Carmen Arias

Appeal No.: V-34-19

Subject Property: Lot 1, 2, and 3, Block 5, Mount Rainier-Rogers 1st ADDN Subdivision, being 4229 29th Street,
Mount Rainier, Prince George's County, Maryland

Municipality: City of Mount Rainier

Board Action: February 19, 2020

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 variances from 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(d)(Table III) which prescribes that each lot shall have a minimum width of 50 feet along the front building line. 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, development) and replace the driveway. Variances of 14 feet front yard depth, a 5-foot side yard width, 10.83 feet front building line and 21.3% lot net coverage are requested.

On May 22, 2019, the Board held its hearing for the requested variances. The record was held open to allow the City of Mount Rainier (the "City) an opportunity to comment. On June 12, 2019, a letter was received by the Board from the City stating the Design Review Board has requested to meet with the Petitioners. On July 22, 2019, an email was received from the City stating the Petitioner has decided not to pursue the variance. Several phone calls were made to the Petitioner requesting an official withdraw letter. Although, no withdraw letter has been received. On January 2, 2020, a letter of intent was mailed to the Petitioner. To date, no response has been received from the Petitioner.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a variance of 14 feet front yard depth, a 5-foot side yard width, 10.83 feet front building line and 21.3% lot net coverage in order to validate existing conditions (property, dwelling, development) and replace the driveway on the property located at being 4229 29th Street, Mount Rainier, Prince George's County, Maryland, be and is hereby DISMISSED for non-pursuance.

BOARD OF ZONING APPEALS

By: (Original Signed)

Bobbie S. Mack, Chairperson

cc: Petitioners
Parties of Record
City of Mount Rainier
Park & Planning Permit Office
Permit Office, Department of Permitting, Inspections and Enforcement