

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

Petitioners: Esteban and German Cornejo

Appeal No.: V-50-19

Subject Property: Lot 34, Block 5, Decatur Heights Subdivision, being 5321 Buchanan Street, Bladensburg,
Prince George's County, Maryland

Municipality: Town of Bladensburg

Spanish Language Interpreter: Ernesto Luna

Witness: David Cornejo, Son

Heard: June 26, 2019; Decided: July 3, 2019

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 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 rear yard at least 20 feet in depth/width. Section 27-442(i)(Table VIII) which prescribes that accessory generally be located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces the side street. 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. Section 27-420(a) which prescribes that on corner lots consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Petitioners propose to validate existing conditions (dwelling, shed and parking area) and build a 6-foot PVC Vinyl fence. Variances of 3 feet rear yard width, waiver for an accessory building location (shed), waiver of the parking area location requirement and waivers of the fence height and location requirements for a fence over 4 feet in height in the front yard/side yard (abutting 53rd Place) are requested.

Evidence Presented

1. The property was subdivided in 1955, contains 10,258 square feet, is Zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, open deck and shed.

Exhibits (Exhs.) 2, 3, 8, 9 and 10 (A) thru (F)

2. Because the property is an odd shaped corner lot, with the dwelling facing the legal side yard (Buchanan Street), a variance of 3-feet rear yard setback for the proposed canopy, a waiver of the accessory building (shed) being located in the legal front yard (53rd Place), a waiver of the existing parking area location being in the front yard and a waiver of the 6-foot fence height and location were requested. Exhs. 2, 4, 5 and 6 (A) thru (E).

3. Petitioner Esteban Cornejo testified that he is planning to erect a 6-foot vinyl fence and a canopy over the basement door on the rear of the dwelling. He stated that the fence is needed because of their large dog and for privacy since he is a corner lot. Exhs. 2, 4, 5 and 6 (A) thru (E).

4. David Cornejo explained that the proposed fence will be located functionally in the "back yard". The fence will run along 53rd Place for 52-feet and will be located at least 17-feet away or inside the property line from 53rd Place. He further explained that 53rd Place is just a field, with no actual road existing (e.g., an unimproved paper street). He noted that there is an existing 4-foot chain link fence in the front yard that will remain. Exhs. 2, 4, 5 and 6 (A) thru (E).

5. Esteban Cornejo clarified he now proposes to build a wooden fence with the same style and location as the initially proposed vinyl fence. Exhs. 2, 4, 5 and 6 (A) thru (E).

6. The Town of Bladensburg has recommended approval of the requested waivers and variance. Exh. 19.

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 odd shape of the corner lot, 53rd Place being an unimproved paper street, the need to secure a large dog, the need to provide for privacy 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, unanimously, that variances of 3 feet rear yard depth/width, waiver for an accessory building location (shed), waiver of the parking area location requirement and waivers of the fence height and location requirements for a fence over 4 feet in height in the front yard/side yard (abutting 53rd Place) in order to validate existing conditions (dwelling) and built a 6-foot PVC Vinyl fence on the property located at 5321 Buchanan Street, Bladensburg, 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, Exh. 2 and approved elevations, Exhs. 4 and 5.

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

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:

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.