

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

Petitioners: Ever & Cristela Cruz

Appeal No.: V-59-19

Subject Property: Lot 4, Block K, Beacon Heights Subdivision, being 6906 Beacon Place,
Prince George's County, Maryland

Heard and Decided: July 17, 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 variances 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(d)(Table III) which prescribes that each lot shall have a minimum width of 65 feet measured 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 and dwelling) and construct a driveway. Variances of 7 feet front building line width, 12.3% net lot coverage, and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1955, contains 5,773 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, block patio and concrete pad. Exhibits (Exhs.) 2, 3, 8, 9 and 10 (A) thru (F).
2. Petitioners Ever Cruz would like to expand the driveway in front of the dwelling. Because the proposal will increase the net lot coverage and parking area will be located in front of the dwelling, a variance for net lot coverage and a waiver of the parking area location, respectively, will be required. In addition, a variance of 7 feet front building line width is requested. Exhs. 2, 4 (A) thru (D) and 20.
3. Petitioner testified that he would like to repave the existing driveway and pave the block patio and concrete pad to stop water from entering his house through the foundation.¹ He explained that he lives on a hill and would like to ensure that the rain water does not enter through the foundation. The proposed concrete will be poured so the water is directed down the driveway to the street. The elevation will be higher in the rear and slope down to the street to drain the water. Exhs. 2, 4 (A) thru (D) and 20.
4. He stated that the expansion of the driveway will stop at the walkway to the front door and will allow a second car to park. Exh. 20.

¹ The site plan was revised to reduce the length of the driveway expansion in front of the dwelling. Exh. 20.

5. He stated an existing air conditioner unit located beside the house and a fence will preclude any parking in the rear area and allow that area for family entertainment. Exhs. 2, 4 (A) thru (D) and 20.

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 prevent water seeping into the house foundation, the need for additional parking 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 7 feet front building line width, 12.3% net lot coverage, and a waiver of the parking area location requirement in order to validate existing conditions (property and dwelling) and construct a driveway on the property located at 6906 Beacon Place, Riverdale, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 20.

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.