

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

Petitioners: Jose and Maria Cruz

Appeal No.: V-88-19

Subject Property: Lot 5, Block O, Birchwood City Subdivision, being 5605 Belmont Place, Oxon Hills,
Prince George's County, Maryland

Spanish Language Interpreter: Ruben Sotogomez

Heard and Decided: October 9, 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 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 27-120.01(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. 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 1959, contains 8,861 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a brick side walk, storage shed, laundry room and a driveway extension in front of the house. The lot is odd-shaped, narrowing to the front. Exhibits (Exhs.) 2, 4, 11, 12 and 13 (A) thru (F).
2. Petitioners are requesting a waiver of the parking area location in order to obtain permits for unauthorized construction of a driveway extension (15.5 x 8') in front of the dwelling and also construct a proposed 6-foot fence.¹
3. Petitioner Jose Cruz testified that the property has been owned for 13 years and the driveway extension was installed 10 years ago. He stated that the extension allows his wife and their daughter to park off the street for safety and to avoid further hit and run incidents. He stated that twice their vehicles have been hit while parked on the street.
4. He stated that there are other driveways within the community that are located in front of houses.

¹ Petitioners also requires the waiver to obtain collateral building permits for the unauthorized construction of a sidewalk, storage shed and laundry room, which do not require variances, but are included in Violation Notice #29848-2017-0. Exhs. 2, 3, 5 (A) thru (E) and 6.

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 owners 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 lot narrowing in the front yard on both sides, Petitioners' vehicles being hit twice when parked on the street, for the safety of his wife and daughter 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 of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a waiver of the parking area location requirement in order to obtain building permits for unauthorized construction of a side walk, storage shed, laundry room and driveway extension on the property located at 5605 Belmont Place, Oxon Hill, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exh. 20 and approved elevation plans, Exh. 3.

BOARD OF ZONING APPEALS

By: _____

ORIGINAL SIGNED)

Bobbie S. Mack, Chairperson

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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.