

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

Petitioner: Esperanza Guzman

Appeal No.: V-111-19

Subject Property: Lot 17, Block I, Pinewood Subdivision, being 5707 Carters Lane, Riverdale,
Prince George's County, Maryland

Witness: Roxana Guzman, Petitioner's Daughter

Heard and Decided: December 4, 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, Petitioner requests that the Board approve variances from Ordinance Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioner proposes to validate an existing condition (shed) and obtain a building permit for an unauthorized construction of a carport. Variances of 3% net lot coverage and 2 feet side lot line setback for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1949, contains 6,400 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two (2) sheds. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru(F).

2. Petitioner would like to complete the installment of an unauthorized carport located over the existing concrete driveway. The addition of the carport has increased the net lot coverage to 33%, therefore, a variance of 3% net lot coverage is requested. An existing shed, located in the right rear side of the property sits on the directly on the property line, therefore, a variance of 2 feet side yard setback for an accessory building is requested. Exhs. 2, 3 and 5 (A) thru (L).

3. The Department of Permitting, Inspections and Enforcement (DPIE) issued a Correction Order on August 8, 2019, advising Petitioner that a building permit is required for the installation of the carport. Exh. 6.

4. Petitioner Esperanza Guzman testified that the carport is partially constructed and is needed because in 2017, her husband, who normally parks on the street and walks home, fell causing damage to his leg for which surgery was necessary. She stated that the carport will protect him from having to walk in snow and rain and allow him to exit the vehicle to the house at the side door of the house. Exhs. 2, 3 and 5 (A) thru (L).

5. Roxanna Guzman, Petitioner's daughter, clarified that her father slipped on snow and ice walking to the house causing injury to his leg. She opined that the carport would ensure that he will not fall again, further aggravating or re-injuring his leg. Exhs. 2, 3 and 5 (A) thru (L).

6. Roxanna Guzman further stated that because other carports are on properties on Carters Lane, the proposed carport is not out of character in the neighborhood. Exhs. 2, 3 and 5 (A) thru (L).

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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the Petitioner's husband physical mobility concerns 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, unanimously, that variances of 3% net lot coverage and 2 feet side lot line setback for an accessory building in order to validate an existing condition (shed) and obtain a building permit for an unauthorized construction of a carport on the property located at 5707 Carters Lane, Riverdale, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3.

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.