

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

Petitioners: Jose Hernandez and Maria Guevora

Appeal No.: V-115-19

Subject Property: Lot 13, Block 8, Brentwood Subdivision, being 3709 Varnum Street, Brentwood,  
Prince George's County, Maryland

Municipality: Town of Brentwood

Witnesses: Jessy Hernandez Guevora, Daughter

Estefani Guevora, Niece

Roy Adams, Neighbor

Robin Adams, Neighbor

Juan Swann, Prince George's County Inspector

Spanish Language Interpreter: Ernesto Luna

Heard: December 4, 2019; Decided: January 22, 2020

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 requests that the Board approve a variance from Section 27-120.01(c) 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 1930, contains 10,000 square feet, is zoned R-55 (One Family Detached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 3, 9, 10 and 11 (A) thru (E).
2. Brentwood Company Subdivision Plat BB 5 @ 10 demonstrates that Lot 13, Blk. 8 has a lot frontage of 50 feet. Exh. 2 and 3.
3. Petitioners must obtain a building permit for the unauthorized construction of a 18' x 35' concrete driveway located on the right side of the dwelling and partially in front of the dwelling. A waiver of the parking area location requirement is requested. Exhs. 2 and 4 (A) thru (F).
4. On March 24, 2019, Department of Permitting, Inspection and Enforcement issued Stop Work Order and subsequently on June 18, 2019 issued Violation Notice VN # 26886-19. Exhs. 6 and 8.

5. Petitioner Maria Guevara stated that they are seeking a driveway for an off-street parking area because of the scarcity of street parking. She further explained that they were parking on the grass until receiving a (violation) notice from the Town of Brentwood. Exhs. 2, 4 (A) thru (F).

6. Ms. Robin Adams (3707 Varnum Street) objected to the driveway.

7. Inspector Swann testified that on the 23<sup>rd</sup> of May he received a complaint regarding the illegal construction of a driveway on the subject property. He stated that he understood the need for off street parking.

8. A revised site plan was submitted to reduce the driveway from 18' x 35' to 10' x 30' with a 5-foot setback from the property line and 5-feet from the dwelling. Exh. 23.

9. The Town of Brentwood has no objections to the variance as long as the driveway was not over 25% of the front yard. The revised site plan demonstrated that the front yard coverage is now at 21%. Exhs. 19, 23 and 24.

#### 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 property being subdivided in 1930 having a width of 50 feet, the need for off street 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 a waiver of the parking area location requirement in order to obtain a building permit for an unauthorized construction of a concrete driveway in the front yard on the property located at 3709 Varnum Street, Brentwood, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exh. 23.

#### BOARD OF ZONING APPEALS

By:

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( 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.