

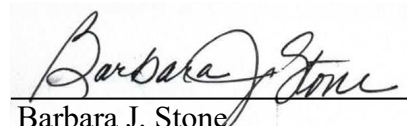
*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-128-19 Jose Alvarez Fuentes

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: February 19, 2020 .

**CERTIFICATE OF SERVICE**

This is to certify that on September 14, 2020 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
Barbara J. Stone  
Administrator

cc: Petitioner  
Adjoining Property Owners  
Park and Planning Commission  
DPIE/Building Code Official, Permitting

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

Petitioner: Jose Alvarez Fuentes

Appeal No.: V-128-19

Subject Property: Lot 4, District Heights Subdivision, being 7007 Whitney Avenue, District Heights,  
Prince George's County, Maryland

Witnesses: Phyllis Cooks, Neighbor

David Cooks, Neighbor

Spanish Language Interpreter Service: Ruben Sotogomez

Heard: January 22, 2020; Decided: February 19, 2020

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, Petitioner requests that the Board approve a variance from Section 27-442(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 6,500 square feet. 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 27-120.01(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. Petitioner proposes to validate existing conditions (lot size, front building line) and obtain a building permit for a proposed construction of a driveway partially located in front of the house. Variances of 340 square feet net lot area, 9 feet front building line width, 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 6,160 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).

2. Petitioner would like to expand his existing single wide driveway to a 17' x 30' driveway located in front of the dwelling. As such, a waiver of the parking area location requirement is requested. Petitioner needs to validate preexisting property conditions which require a 340 square foot variance from the required 6,500 square feet net lot area and 9 feet variance from the required 65 feet front building line width. Exhs. 2, 4 (A) thru (D) and 16 (A) thru (D).

3. Petitioner Jose Fuentes testified that he has two vehicles but only one driveway parking space. He explained that his home is 4 houses from Bishop McNamara High School and when there are events at the school and even during the day, the overflow of cars park on his street. He stated that several homes within the community have single wide driveways. Exhs. 2, 4 (A) thru (D) and 16 (A) thru (D).

4. It was suggested that instead of expanding to a side-by-side front yard parking, the proposed driveway be extended on the left of the house.<sup>1</sup> Mr. Fuentes stated that an existing block wall on the left side of the house could be removed to extend the parking area. Exhs. 2, 4 (A) thru (D), 16 (A) thru (D) and 17.

5. Mr. David Cooks (7006 Whitney Avenue) opined that the neighborhood has no double driveways. He confirmed that because of the school zone, street parking spaces are filled by school visitors and guests. He does not object to the extended driveway being built beside Petitioner's dwelling. Exhs. 2, 4 (A) thru (D), 16 (A) thru (D) and 17.

#### 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 close proximity of the private school and the associated off-street concerns, the revised site plan showing a *de minimis* need for a front parking yard variance 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 variances of 340 square feet net lot area, 9 feet front building line width, and a waiver of the parking area location requirement order to validate existing conditions (lot size, front building line width) and obtain a building permit for proposed driveway on the property located at 7007 Whitney Avenue, District Heights, 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 17.

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<sup>1</sup> Petitioner has revised his site plan to demonstrate a single wide driveway on the left of the dwelling, running parallel to the property line with dimensions of 56' in length by 10' in width. Because a small portion of the driveway at the entrance is located in front of the dwelling, a waiver of the parking location requirement remains requested. Exh. 17.

BOARD OF ZONING APPEALS



By: \_\_\_\_\_  
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.