

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

Petitioners: Raul Rodriguez and Sandra Sandoval

Appeal No.: V-140-19

Subject Property: Parcel 331, Tax Map 36, Grid D3, being 11440 Old Prospect Hill Road, Glen Dale,
Prince George's County, Maryland

Heard and Decided: November 20, 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 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 request that the Board approve variances from Ordinance Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 10 feet from any side or rear lot line. Section 27-442(c)(Table II) which prescribes that not more than 10% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate existing conditions (shed and wood garage) and obtain a building permit for proposed construction of a one-story addition, two-story addition, pool house, covered porch, workshop, area way and stairs in the back yard. Variances of 7-foot rear lot line setback, .1% net lot coverage and a waiver of the rear yard location requirement for accessory buildings are requested.

Evidence Presented

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

1. The property was subdivided in 1963 contains 96,485 square feet, is zoned R-A (Residential Agricultural) and is improved with a single-family dwelling, driveway, gazebo, pool, pool house, detached large garage, detached one car garage and shed. Exhibits (Exhs.) 2, 4, 5, 6, 9, 10 and 11 (A) thru (G).
2. Petitioners would like to construct a second story on the existing one-story home, add a two-story addition on the rear of the home to square off the dwelling, covered front porch, an areaway on the right side of the dwelling, and renovate the pool house, and stairs at the rear of the property. Petitioners would like to convert the large 3-car garage into a personal workshop. Exhs. 2, 3 (a) thru (e) and 7 (A) thru (J).
3. In order to obtain the necessary building permits, Petitioners need, however, a variance of 7-foot rear yard setback to validate the existing location of the shed and a waiver of the rear yard location requirement.
4. Petitioners has removed a substantial portion of the existing driveway but still requires a .1% net lot coverage variance. Exhs. 2, 3 (a) thru (e) and 7 (A) thru (J).
5. Petitioner Raul Mendoza testified that he has 3 children, (ages 4, 6 and 11) and his mother will be also residing at the residence.
6. Petitioner explained that the rear yard is sloped. Exhs. 2, 3 (a) thru (e) and 7 (A) thru (J).

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 structures being constructed in 1965 and does not meet current regulations for accessory building location, the net lot overage is minimum, the rear yard being sloped, 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 rear lot line setback, .1% net lot coverage and a waiver of the rear yard location requirement for accessory buildings in order to validate existing conditions (shed and wood garage) and obtain a building permit for proposed construction of a one-story addition, two-story addition, pool house, covered porch, workshop, area way and stairs on the property located at 11440 Old Prospect Hill Road, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exh. 2 and approved elevation plans, Exhs. 3 (a) thru (e).

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.