



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

## *OF BOARD OF APPEALS*

RE: Case No. V-154-19 Rene Rodriguez

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 24, 2021

## **CERTIFICATE OF SERVICE**

This is to certify that on June 15, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

Barbara J. Stone  
Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPCC, Permit Review Section  
DPIE/Building Code Official, Permitting

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

Petitioner: Rene Rodriguez

Appeal No.: V-154-19

Subject Property: Lot 20, Block P, Langley Park Subdivision, being 1707 Keokee Street, Hyattsville, Prince George's County, Maryland

Witness: Kenneth Harrison, Inspector, Department of Permitting, Inspections and Enforcement (DPIE)

Spanish Language Interpreter: Ernesto Luna

Heard: December 9, 2020; Decided: February 24, 2021

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 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 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Section 27-420(a) which prescribes that fences and walls more than 6 feet high shall not be located in any required yard and shall meet the setback requirements for main buildings; on lots consisting of one (1) acre or less, fences and walls in the front yard shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to validate existing conditions (lot coverage, carport) and obtain a building permit for unauthorized construction of a carport with electric, 8 feet fence and extended driveway. Variances of 173 square feet net lot area, 6 feet front building line width, 16% net lot coverage, 1.5-foot side lot line setback, 1-foot rear lot line setback for an accessory building (carport) and a waiver of the fence height requirements for a fence over 4 feet in height in the rear yard are requested.

**Evidence Presented**

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

1. The property was subdivided in 1950, contains square 6,327 feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling, driveway, deck, shed and carport. Exhibits (Exhs.) 2, 4, 10, 11 and 12 (A) thru (G).

2. The property is rectangle in shape with the side lot lines angling out towards the rear. Exhs. 2, 4, 10, 11 and 12 (A) thru (G).

3. Petitioner proposes to validate existing conditions (relating to net lot coverage and carport) and obtain a building permit for the unauthorized construction of a carport, 8-feet fence and extended driveway. Because the lot was created in 1950, it does not meet certain current lot area standards. Specifically, the current front building line width for lots is not being met. Also, because of the total improvements on the property, the allowable net lot coverage for construction is over by 16%. The request of the side lot line

setback of 1-foot rear is also necessary due to the location of the accessory building (carport) which was built without a permit and prior inspection. Exhs. 2, 4, 10, 11 and 12 (A) thru (G).

4. Petitioner Rene Rodriguez stated that he completed the driveway with the concrete from the street stretching to the carport (located in the far rear corner of the lot) and also added concrete under the carport. He explained that the carport will provide safe off-street parking. The carport, which is open on three sides, will fit two vehicles. Exhs. 2, 3 (a) thru (e) and 5 (A) thru (X).

5. Petitioner further stated that the fence in the rear is 8 feet tall (which is a 2-foot concrete wall with a 6-foot fence on top) is for blocking the visibility and intrusion of activities from a large apartment complex located directly behind his property. Also, he stated that his children will now be able to safely play in the back-yard area. Exhs. 2, 3 (a) thru (e) and 5 (A) thru (X).

6. On or about July 12, 2019, Dpie issued Violation Notice #32111-2019-0 to Petitioner. The notice pertained to the unauthorized construction of the carport, extended driveway and the 8-foot fence. Exh. 6.

7. Inspector Kenneth Harrison confirmed the continued existence of the violations; believed that the carport is not out of character for the neighborhood; and explained that Dpie does not have a problem with the construction of either the carport, fence or extended driveway (concrete) but Petitioner must obtain the appropriate building permits (and inspections), respectively, (or remove the same as stated in the Violation Notice). Exh. 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 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 shape of the lot with side lot lines angling out towards the rear, the need to extend the driveway to the widening space in the rear yard to accommodate placement of the two-car carport, to fulfill the demonstrated need for off-street parking, the need for backyard privacy for children, 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 173 square feet net lot area, 6 feet front building line width, 16% net lot coverage, 1.5-foot side lot line setback, 1-foot rear lot line setback for an accessory building (carport) and a waiver of the fence height requirements for a fence over 4 feet in height in the rear yard in order to validate existing conditions (lot coverage, carport) and obtain a building permit for unauthorized construction of a carport, 8 feet fence and extended driveway on the property located at 1707 Keokee Street, Hyattsville, 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 (a) thru (e).

BOARD OF ZONING APPEALS

By:

*Bobbie S. Mack, J.S.C.*  
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.

# BOARD OF APPEALS

APPROVED FEB 24 2021

*D. Duley*  
ADMINISTRATOR

NOTE:  
ENCROACHMENTS  
MAY EXIST



## KEOKEE STREET

THE LEVEL OF ACCURACY OF  
DISTANCES TO APPARENT  
PROPERTY LINES IS:  
1±

### LOCATION DRAWING OF:

#### #1707 KEOKEE STREET

LOT 20  
BLOCK P

#### LANGLEY PARK

PLAT BOOK 17, PLAT 96

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"-20' DATE: 08-22-2019

DRAWN BY: AP FILE #: 197127-200

### LEGEND:

- FENCE
- BE - BASEMENT ENTRANCE
- BW - BAY WINDOW
- BR - BRICK
- BRL - BLDG. RESTRICTION LINE
- BSAT - BASEMENT
- CW - CONCRETE
- DWY - DECK
- EX - EXISTING
- FR - FRAME
- MAC - MACADAM
- G - GATE
- OH - OVERHANG
- PUE - PUBLIC UTILITY ESMT
- PIE - PUBLIC IMPROVEMENT ESMT
- RE - RECORD INFORMATION
- IMPROVEMENTS
- EASES & RESTRICTION LINES

### SURVEYOR'S CERTIFICATE



I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12 CHAPTER 08.13 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER IMPROVEMENTS, THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION IS THE RESPONSIBILITY OF THE LAND SURVEYOR OR THE BUILDING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY IF SO FAR AS IT IS REQUIRED BY AN INSURANCE COMPANY, OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

A Land Surveying Company

**DULEY**  
and  
Associates, Inc.



14604 Elm Street, Upper Marlboro, MD 20772  
Phone: 301-888-1111 Fax: 301-888-1114

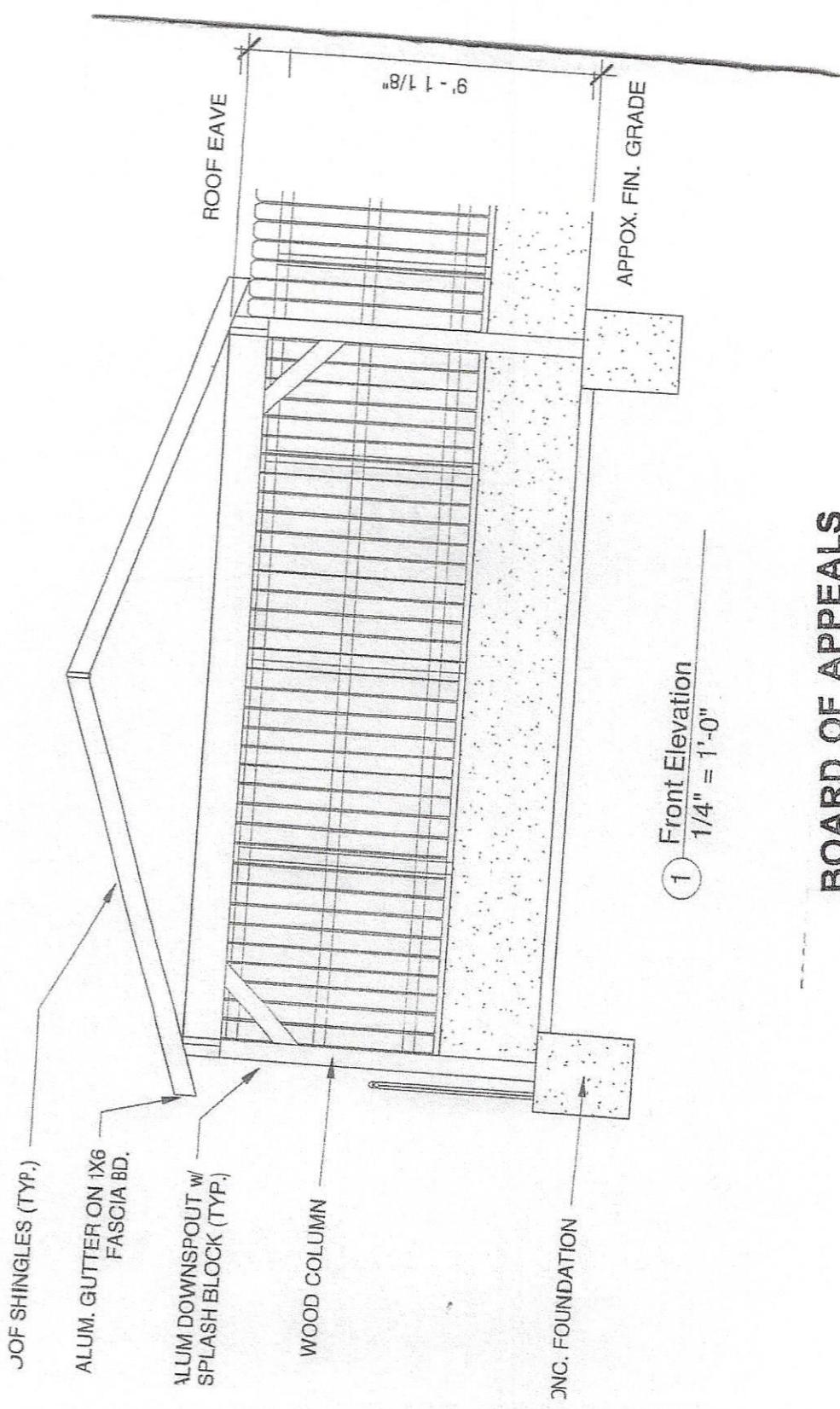
Email: orders@duley.biz On the web: www.duley.biz

### DULEY & ASSOC.

WILL GIVE YOU A 100%  
FULL CREDIT TOWARDS  
UPGRADING THIS  
SURVEY TO A  
"BOUNDARY/STAKE"  
SURVEY FOR ONE  
YEAR FROM THE DATE  
OF THIS SURVEY.

(EXCLUDING D.C. & BALTIMORE CITY)

EXH. # 2  
V-184-19



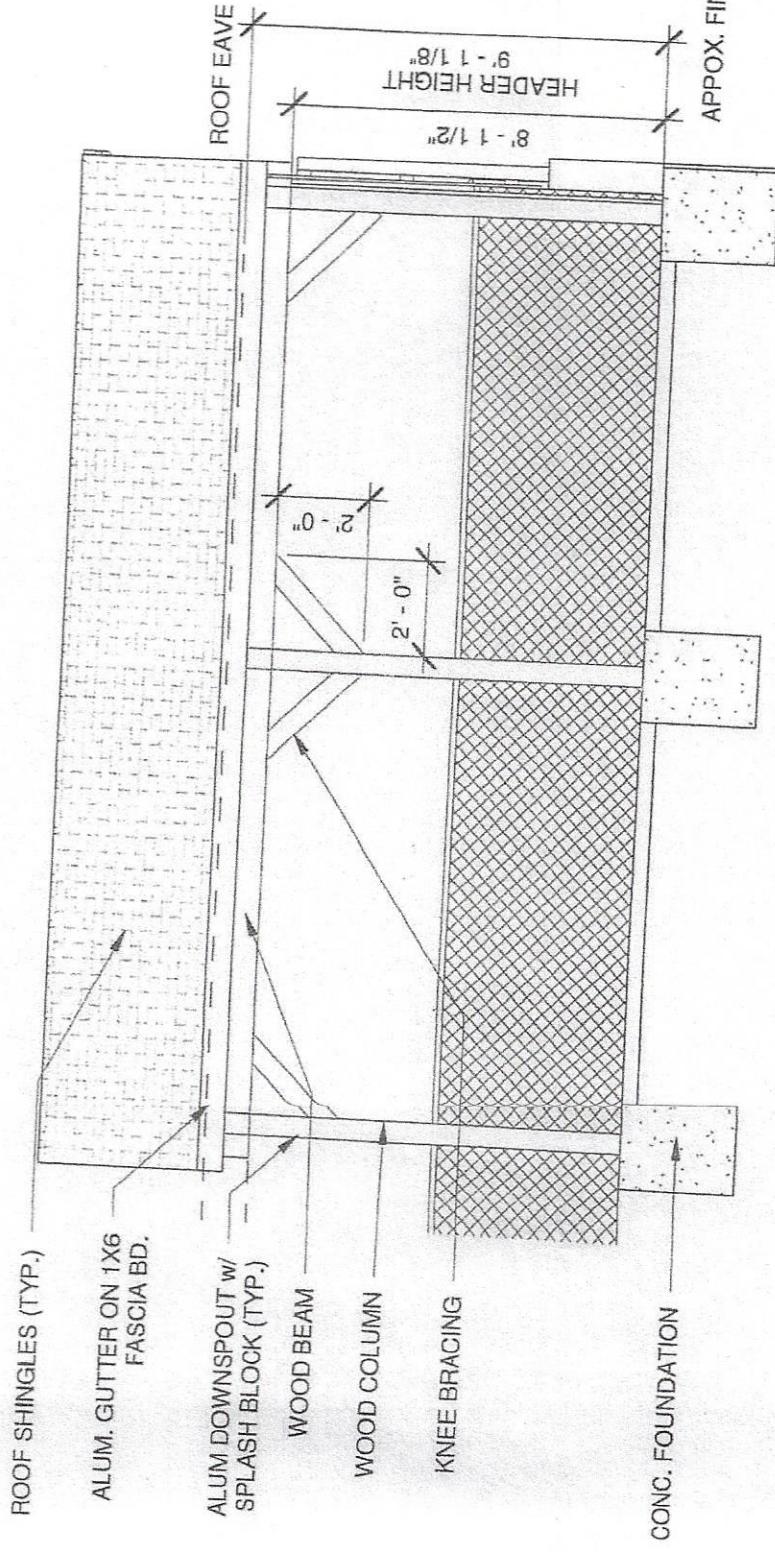
## BOARD OF APPEALS

APPROVED FEB 24 2021

*[Signature]*

ADMINISTRATOR

EXH. # 3 (a)  
V-154-19



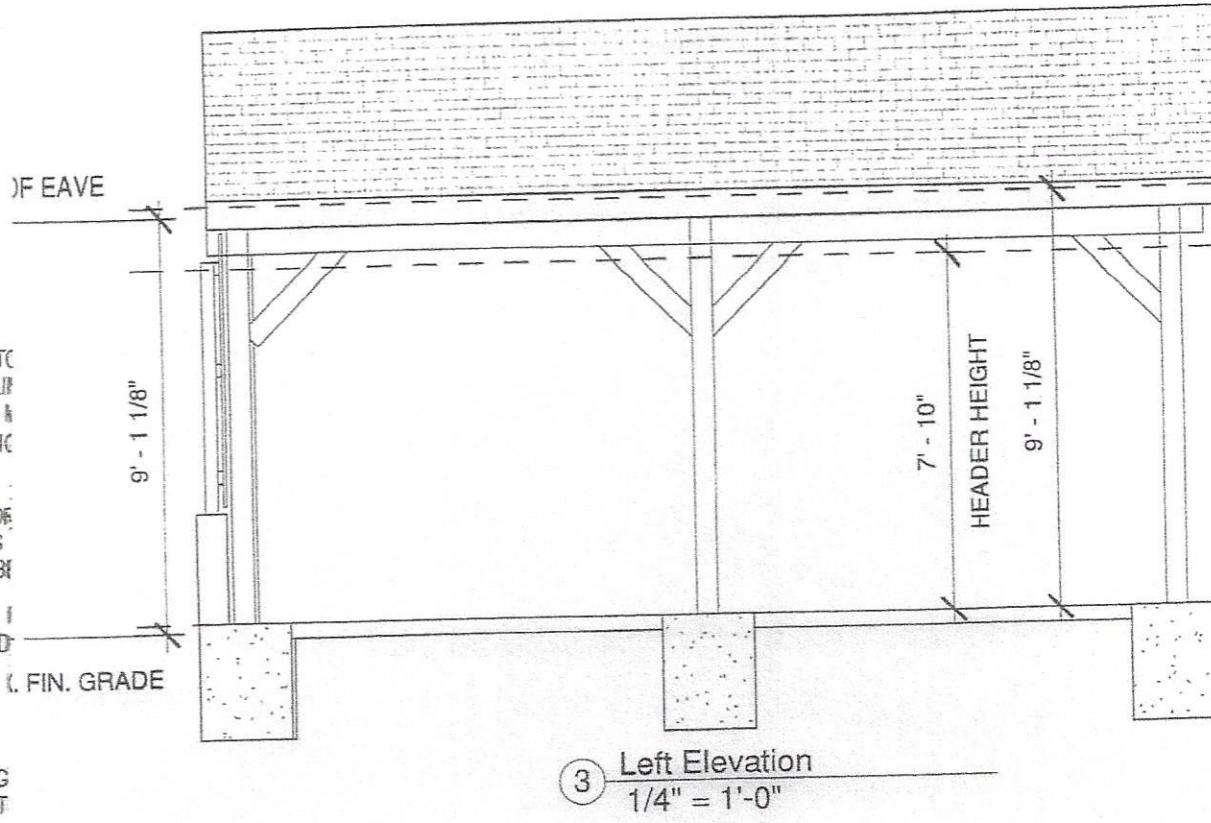
EXH. # 3 (b)  
V-154

CONTRACTOR TO VERIFY ALL DIMENSIONS &  
TO BRING ANY DISCREPANCY TO THE ATTEN  
ARCHITECTS BEFORE PROCEEDING

**BOARD OF APPEALS**

APPROVED FEB 24 2021

 Bryan Stone  
ADMINISTRATOR

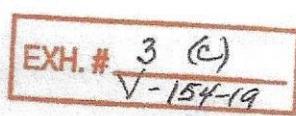


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BOARD OF APPEALS

APPROVED FEB 24 2021

ADMINISTRATOR

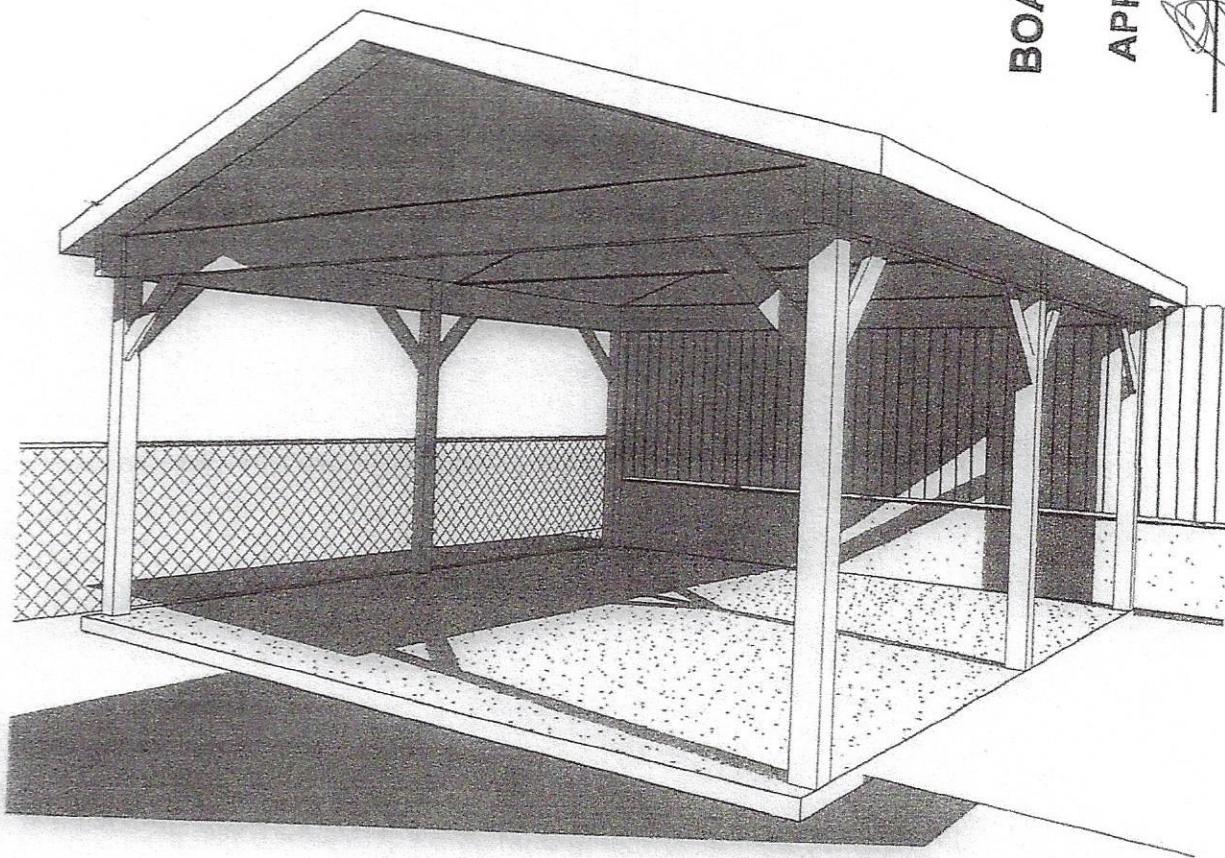


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APPROVED FEB 24 2021

*B. Stone*  
ADMINISTRATOR

1  
A3



② 3D View 1

EXH. # 3 (d)  
V-154-19

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APPROVED

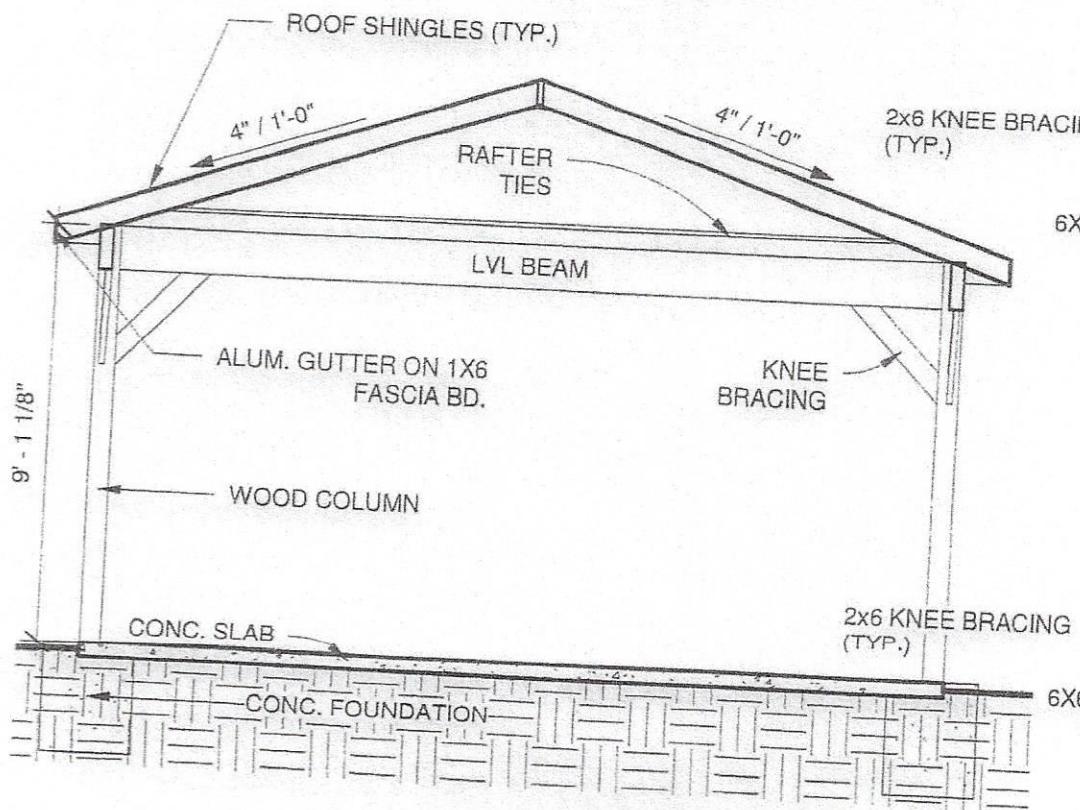
FEB 24 2021

*B. J. St. John*  
ADMINISTRATOR

TIES LOWER THIRD  
OF RAFTER SPAN W/  
10-10d FACE NAIL

2X6 ROOF RAFTERS

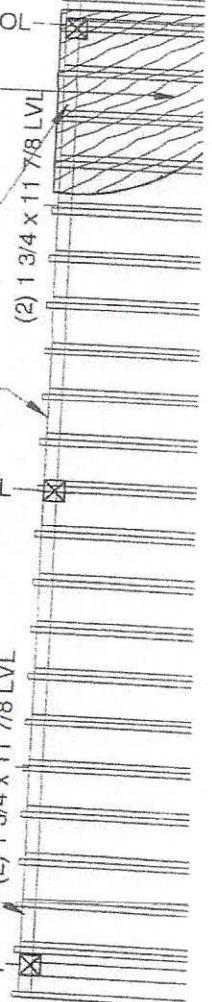
CONT. LVL W/  
SIMPSON H1 OR E.Q.  
@ E.E. OF RAFTERS



7/16" O.S.B. w/ 15 FELT  
ICE GUARD & 25 YEAR  
SHINGLES (TYP.)

2x6 KNEE BRACING  
(TYP.)

6X6 P.T. COL



2x6 KNEE BRACING  
(TYP.)

6X6 P.T. COL

2x6 KNEE BRACING  
(TYP.)

6X6 P.T. COL

EXH. # 3 (-2)  
V-154-19