

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

Petitioner: Victor Tapia Balmes

Appeal No.: V-155-19

Subject Property: Lot 26, Block 6, Ardmore Village Subdivision, being 3110 Amador Drive, Landover,
Prince George's County, Maryland

Witnesses: Inspector Juan Swann, Department of Permitting, Inspections and Enforcement

Spanish Language Interpreter: Ernesto Luna

Heard and Decided: September 23, 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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) which prescribes that that each lot shall have a front yard at least 25 feet in depth and each side yard shall have at least 8 feet in width. Petitioner proposes to obtain a building permit for the unauthorized construction of a carport. Variances of 1-foot front yard depth¹ and 2 feet side yard width are requested.

Evidence Presented

1. The property was subdivided in 1963, contains 16,190 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, carport and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The topography of the rear yard (directly behind the carport) is a very steep uphill slope with a retaining wall and stairs, which limits a suitable location for the carport. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioner proposes to obtain a building permit for the unauthorized construction of a carport. Because the carport is located only 5 feet from the side property line, a variance of 2-feet side yard setback is required. In addition, because the preexisting covered front stoop is located only 22 feet from the front yard setback, a variance of a 1-foot front yard setback is required. Exhs. 2, 3 (a) thru (f) and 5 (A) thru (D).

4. It was noted that on September 30, 2019, a Correction Order and Violation Notice (25372-2017-1.) was issued on the property.

5. Petitioner Victor Balmes explained that all structures, including the carport, existed prior to his purchase of the property in 2017. Mr. Balmes stated that he does not want to tear down the carport and to resolve the situation, he will obtain the required permit for the carport. Exhs. 2, 3 (a) thru (f) and 5 (A) thru (D).

6. Inspector Juan Swann testified that the County is aware that the carport predates the purchase of the property by Mr. Balmes, but a building permit must be obtained by the Petitioner. Inspector Swann

¹ Correction made to requested variance. The Hearing Notice incorrectly indicated a variance of 3 feet was needed for a front yard setback. The correct front yard setback variance is 1 foot. Exh. 2

further stated that Mr. Balmes has been extremely forthcoming and believes that the Petitioner is amenable to trying to rectify the permit issue. He advised the Board that the County is not opposed to Petitioner retaining the carport.

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 carport presumably being built at the extreme rear side yard location because of the competing steep up slope 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 a variances of 1-foot front yard depth and 2 feet side yard width in order to obtain a building permit for the unauthorized construction of a carport on the property located at 3110 Amador Drive, Landover, 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 elevation plans, Exhs. 3 (a) and (f).

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.