



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

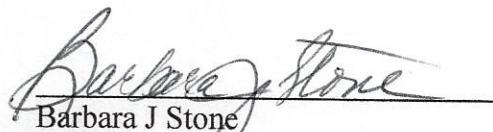
OF BOARD OF APPEALS

RE: Case No. V-172-19 Jose Vasquez

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: September 9, 2020

CERTIFICATE OF SERVICE

This is to certify that on November 9, 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
M-NCPPC, 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: Jose Vasquez

Appeal No.: V-172-19

Subject Property: Lot 54, Block D, River Ridge Estates Subdivision, being 7308 Cloverdale Drive, Oxon Hill, Prince George's County, Maryland

Heard: March 4, 2020; Decided: September 9, 2020

Board Members Present and Voting: 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 a variance from Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. 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. Petitioner proposes to obtain a building permit for unauthorized construction of a driveway. A variance of 4 feet front yard depth and 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 1956, contains 7,021 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 3, 8, 9 and 10 (A) thru (G).
2. Petitioner proposes to obtain a building permit for unauthorized construction of a driveway. Due to the front porch stoop being covered, the front building setback was decreased to 21' which is 4 feet less than the required 25-foot requirement. In addition, the unauthorized construction of an extended 20' x 48' driveway located in front of the dwelling, requires a waiver of the parking area location requirement. Exhs. 2, 4 (A) thru (D).
3. Petitioner Jose Vasquez testified that he did not obtain a permit when he constructed the driveway extension.
4. Mr. Vasquez explained that the expanded driveway was necessary for his mother's vehicle to accommodate her health issues. He stated that there are currently 5 cars (3 cars park in the expanded driveway and two cars park on the street). Exhs. 2, 4 (A) thru (D) and 10 (A) thru (G).

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

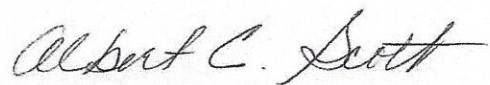
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioner's lot has no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition.
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Bobbie Mack absent, that a variance of 4 feet front yard depth and waiver of the parking area location requirement in order to validate an existing condition (front yard depth) and obtain a building permit for unauthorized construction of a driveway on the property located at 7308 Cloverdale Drive, Oxon Hill, Prince George's County, Maryland, be and is hereby DENIED.

BOARD OF ZONING APPEALS

By:



Albert C. Scott, Vice Chairman

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.