

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

Petitioner: Francisco Lopez and Alondra Osorio

Appeal No.: V-49-18

Subject Property: Lot 24, Block E, Schrom Hills Subdivision, being 7405 Wilhelm Drive, Lanham,
Prince George's County, Maryland

Heard and Decided: June 27, 2018

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 a variance from Section 27-120.01(c) of the Zoning Ordinance, 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 and obtain a building permit for a new driveway in the front yard. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1960, contains 12,360 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibit (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).
2. The property is an odd shape with the rear of the property coming to a point. Exhs. 2, 3, 4 (A) thru (F) and 9 (A) thru (F).
3. Petitioner would like to obtain a building permit for a new 12' x 20' driveway in front of the dwelling. As Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling, a waiver of the parking area location requirement was requested. Exhs. 2, 3, 4 (A) thru (F), 9 (A) thru (F) and 10.
4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 12593-2018, dated March 17, 2018, requiring Petitioner to "Obtain the required Building permit(s) for work done . . . or remove the same. Work includes but not limited to a perimeter fence, rear patio and an extended concrete driveway." Petitioner noted that permits have been obtained for the fence and patio. Exh. 5.
5. Petitioner Francisco Lopez testified that the original driveway was a deteriorated asphalt single car driveway which was replaced with concrete and was expanded 4 feet in the front of the house. He explained

that an uphill slope precluded driveway expansion into the side yard. Exhs. 2, 3, 4 (A) thru (F) and 9 (A) thru (F).

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 deterioration of the existing driveway requiring repair, the topography prohibiting expansion of the driveway to the side of the house 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 a waiver of the parking area location requirement in order to validate and obtain a building permit for a new 12' x 20' driveway in the front yard on the property located at Lot 24, Block E, Schrom Hills Subdivision, being 7405 Wilhelm Drive, Lanham, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.

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.