

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

Petitioner: Abner Galdamez

Appeal No.: V-59-18

Subject Property: Lot 32, Block G, Sandy Spring Estates Subdivision, being 6401 Park Hall Drive, Laurel, Prince George's County, Maryland

Witness: Shelly Galdamez, Petitioner's Wife

Edna McCardle, Neighbor,

Heard: July 11, 2018; Decided: August 29, 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 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(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking and Section 27-120.01(c), 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 existing conditions (development, driveway) and obtain a building permit for a new driveway in the front yard and a new retaining wall. A variance of 2.8% net lot coverage and a 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 1965, contains 11,551 square feet, is zoned R-R (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (G).

2. The lot is odd shaped with the lot narrowing towards the front of the property. Exh. 2.

3. Petitioner would like to obtain a building permit for a new 27' x 33' driveway, located in front of the dwelling, and a new retaining wall 1.7 feet in height along the side lot line. Since 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, 4 (A) thru (L), 12 and 18.

4. As the existing development exceeds the amount of lot coverage allowed and the new driveway area is further overage, a variance of 2.8% net lot coverage was requested. Exhs. 2, 4 (A) thru (L) and 12.

6. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 46314-2017-0, dated August 5, 2017, requiring Petitioner to "Obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to extended driveway and retaining wall installed without the required permits and inspections." Exh. 5.

6. Petitioner Abner Galdamez testified that he is requesting an extension of the original driveway to accommodate his truck. Exhs. 2 and 4 (A) thru (L).

7. Ms. Edna McCardle, who lives at 6307 Park Hall Drive, testified that she does not object to the driveway extension. Exhs. 2 and 4 (A) thru (L).

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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being narrow towards the front, the original driveway being partially located in front of the dwelling, the Petitioner's need to park his vehicle closer the dwelling 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 2.8% net lot coverage and a waiver of the parking area location in order to validate existing conditions (development, driveway) and obtain a building permit for a new driveway in the front yard and a new retaining wall on the property located at Lot 32, Block G, Sandy Spring Estates Subdivision, being 6401 Park Hall Drive, Laurel, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18.

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.