

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

Petitioner: Rosa Turcios

Appeal No.: V-66-18

Subject Property: Lot 28, Block 0, Forest Heights Subdivision, being 110 Iroquois Way, Oxon Hill,
Prince George's County, Maryland

Municipality: Town of Forest Heights

Spanish Language Interpreter Services: Ernesto Luna

Heard: July 25, 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 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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to construct a driveway extension. A variance of 4.4% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1942, contains 7,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 3, 8, 9 and 10 (A) thru (F).
2. Petitioner would like to construct a 20' x 36' driveway extension at the rear of the existing driveway. Construction of the driveway extension would exceed the amount of lot coverage allowed. A variance of 4.4% net lot coverage was requested. Exhs. 2, 4 (A) thru (F), 5 (A) thru (D) and 13.
3. The Town of Forest Heights has no objection to the proposed variance. Exh. 21.
4. Petitioner Rosa Turcois testified that she would like to expand the parking area to the rear of the property due to (rain) water from the road flows toward the house and the rear yard, saturating the back yard and making it unusable. She further testified that she purchased the property 3 years ago and the water issue has persisted. Exhs. 2, 4 (A) thru (F) and 5 (A) thru (D).

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 topography of the lot with the rear yard being at a lower grade from the stree, creating essentially an unusable area 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 variance of 4.4% net lot coverage in order to construct a 20' x 36' driveway extension on the property located at Lot 28, Block 0, Forest Heights Subdivision, being 110 Iroquois Way, Oxon Hill, 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.