

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

Petitioners: Walter Mejia and Rosa Ortiz

Appeal No.: V-93-18

Subject Property: Lot 4, Block AA, South-Lawn Subdivision, being 1106 Dumfries Street, Oxon Hill,
Prince George's County, Maryland

Spanish Language Interpreter Services: Julie Rotter

Witness: Jaime Clara, Friend

Heard: October 24, 2018; Decided: November 14, 2018

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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, Petitioners request that the Board approve variances from Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any rear lot line; 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. Petitioners propose to validate existing conditions (development, shed) and construct a 10' x 57' driveway in the front yard. Variances of 2.3% net lot coverage and 1-foot rear lot line setback for an accessory building 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 1954, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).

2. Petitioners would like to construct a 4' x 36' extension to the side and 10' x 36' extension to the rear of the existing driveway, removing a portion of the driveway next to the side lot line, with the driveway extension to the side being 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, 4, 20 and 21.

3. Construction of the driveway extensions would exceed the amount of lot coverage allowed and the existing shed is located 1 foot from the rear lot line. Variances of 2.3% net lot coverage and 1-foot rear lot line setback for an accessory building were requested, respectively. Exhs. 2, 4, 20 and 21.

4. Petitioner Walter Mejia explained that he is proposing to widen the driveway as the existing 8-foot-wide driveway does not have an apron and in order to have an apron approved by the Department of Permitting, Inspection and Enforcement (DPIE), he must increase the driveway width to (the standard) 10 feet while at the same time allowing a 3.5 setback from the property side line. Exhs. 2, 4, 5, 20 and 21.

5. Mr. Mejia stated that with the current use of his driveway (without the apron), he is destroying his car by jumping the curb. He stated that he has tried placing a ramp over the curb, to no avail. Exhs. 2, 4, 5, 20 and 21.

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 subject property currently having an existing 8 foot driveway without an apron, the widened driveway must meet Dpie standards 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 2.3% net lot coverage and 1 foot rear lot line setback for an accessory building and a waiver of the parking area location requirement in order to validate existing conditions (development, shed) and construct a 10' x 57' driveway in the front yard on the property located at Lot 4, Block AA, South-Lawn Subdivision, being 1106 Dumfries Street, Oxon Hill, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances 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.