

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

Petitioner: Meisen Orellana Romero

Appeal No.: V-115-18

Subject Property: Lot 1, Block A, Palmer Park Subdivision, being 7500 Greenleaf Road, Landover,  
Prince George's County, Maryland

Spanish Language Interpreter Service: Leslie Bilchick

Heard: November 28, 2018; Decided: January 9, 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 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; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line; Section 27-420(a), which prescribes that on lots consisting of one (1) acre or less, fences and walls in the front yard shall not be more than four (4) feet high; 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, shed), construct a driveway extension in the front yard and a 6-foot privacy fence in the front yard. Variances of 8.6% net lot coverage, 1 foot rear lot line setback for an accessory building, waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard 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 6,271 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling, driveway and shed. Although the property is not considered a corner lot, there is a slight curvature of the property where Greenleaf Road meets Munchy Road. The lot is odd shaped with the northeast property line angled sharply toward the rear lot line. The dwelling is positioned at an angle on the property. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioner would like to construct a 10' x 55' driveway extension in the front yard. As the existing development on the property already exceeds the amount of lot coverage allowed, construction of the driveway extension would be further overage. 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. Therefore, a variance of 8.6% net lot coverage and a waiver of the parking area location requirement were requested. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (I).

3. Petitioner would also like to construct a 6-foot fence along the rear and side property line. As a portion of the fence would extend into the yard between the dwelling and the property line abutting a street, a waiver of the fence location and height requirement was also requested. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (I).

4. An existing shed is located 1-foot from the rear lot line. A variance of 1-foot rear lot line setback was requested. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (I).

5. Petitioner testified he would like to widen the parking area with gravel by 10 feet. He is requesting to put down gravel because that area easily becomes muddy. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (I).

6. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a Correction Order, dated August 16, 2018, requiring Petitioner to "Obtain a building permit for gravel driveway extension." Exh. 10.

7. Petitioner agreed to remove the gravel in front of the house and expand the existing driveway with cement. The area where the gravel was located will be replaced with grass. Exh. 19.

#### 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 odd shape of the lot, the dwelling situated at an angle on the lot, the need for additional parking spaces 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 variances of 8.6% net lot coverage, 1 foot rear lot line setback for an accessory building, waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard and a waiver of the parking area location requirement in order to validate existing conditions (development, shed), construct a 10' x 55' driveway extension in the front yard and a 6-foot privacy fence in the front yard of a semi-detached dwelling on the property located at Lot 1, Block A, Palmer Park Subdivision, being 7500 Greenleaf Road, Landover, 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, and approved elevation plans, Exhibit. 3 (a) thru (b).

#### 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.