

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

Petitioners: Julio Martinez Centeno and Claudia Martinez

Appeal No.: V-124-18

Subject Property: Lot 16, Block D. Birchwood City Subdivision, being 5717 Galloway Drive, Oxon Hill,
Prince George's County, Maryland

Spanish Language Interpreter Services Provided: Ernesto Luna

Witness: Alex Mantoyo, Tenant

Heard and Decided: February 6, 2019

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 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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth. Petitioners propose to construct a covered front porch and driveway extension. A variance of 3 feet side street yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1956, contains 11,061 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is a corner lot with the dwelling facing the legal front street, at an angle. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. Petitioners would like to construct an 11'8" x 27'10" covered front porch on the dwelling and a 14' x 32' driveway extension. The porch would be located 22 feet from the side street line. A variance of 3 feet side street yard depth was requested. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (B).

3. Petitioner Claudia Martinez explained that they planned to construct a covered front porch and extend the driveway on the right side to park more vehicles. He added that the extended concrete will also aid in deceasing the mud and pooling of water when it rains. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (B).¹

4. Petitioner Claudia Martinez stated that the front porch will be under the roof and the sides screened but with no windows. She stated that the screened porch will provide protection from the weather and insects. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (B).

¹ Mr. Mantoya contributed that the concrete decreases from 25 feet to 15 feet because of the angle of the house on the lot and the concrete will be graded so that water run-off will run to the street. He noted that the neighbor's property is at a higher grade than the subject property. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (B).

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 subject property being on a corner lot with the dwelling facing the legal front yard at an angle, sloped topography of the lot, the need for driveway extension for parking vehicles and decreasing water pooling, 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 a variance of 3 feet from the minimum side street setback requirement in order to construct an 11'8" x 27'10" covered front porch and a 14' x 32' driveway extension on the property located at Lot 16, Block D, Birchwood City Subdivision, being 5717 Galloway Drive, 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 and approved elevation plans, Exhibits 3.

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.