

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

Petitioner: Juan Gomez-Seixas

Appeal No.: V-135-18

Subject Property: Lot 18, Block B, Adelphi Knolls Subdivision, being 8111 Riggs Road, Adelphi,
Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Heard and Decided: January 23, 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 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth; Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard and animal housing shall be setback 25 feet from the rear of side lot line. Petitioner proposes to validate existing conditions (dwelling, shed, chicken coops and development) and obtain a building permit for concrete driveway extensions on the side and rear of the dwelling. Variances of 5 feet front yard depth for the dwelling and 30.7% net lot coverage, a variance of 19 feet front street line setback and a waiver of the rear yard location requirement for an accessory building, and variances of 25 feet side and 23 feet rear lot line setbacks for one chicken coop and 20 feet side and 24.5 feet rear lot line setbacks for a second chicken coop are requested.

Evidence Presented

1. The property was subdivided in 1952, contains 5,811 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, shed and two chicken coops. Exhibits (Exhs.) 3, 4, 12, 13 and 14 (A) thru (F).

2. Petitioner would like to obtain a building permit for a 10' x 65' driveway along the side of the dwelling and 31' x 55' driveway to the rear of the dwelling. Construction of the driveway area exceeded the amount of lot coverage allowed. A variance of 30.7% net lot coverage was requested. Exhs 2, 3 and 5 (A) thru (N).

3. The existing covered front porch is located 20 feet from the front street line, an existing shed is located in the side yard 41 feet from the front street line, one chicken coop is located along the side lot line and 2 feet from the rear lot line and a second chicken coop is located 5 feet from the side lot line and .5 foot from the rear lot line. Variances of 5 feet front yard depth for the dwelling, 19 feet front street line setback and a waiver of the rear yard location requirement for an accessory building (shed), 25 feet side and 23 feet rear lot line setbacks for one chicken coop and 20 feet side and 24.5 feet rear lot line setbacks for a second chicken coop were requested. Exhs 2, 3 and 5 (A) thru (N).

4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a Correction Order, dated August 30, 2018, requiring Petitioner to "Obtain a building permit for concrete driveway extension of the side and rear within 30 days or remove." Exhs. 6.

5. Petitioner Juan Gomez-Seixas testified that relative to the extended driveway, Riggs Road is a heavily traveled street and he has medical disabilities that had made it difficult for him to walk from vehicles to his house. He also stated that the family has six vehicles park. Exhs 2, 3 and 5 (A) thru (N).

6. Mr. Juan Gomez-Seixas stated that the two chicken coops will be removed (thereby decreasing the net lot coverage). The coops were used as dog houses, not chickens. He has revised the site plan to note that the coops will be removed as he no longer has the dogs. Exhs. 23 and 24.

7. Petitioner stated that the original concrete driveway, which runs all the way to the rear of the property, existed at the time of purchased of the subject property 20 years ago. Exhs 2, 3 and 5 (A) thru (N).

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 Petitioner being disabled with mobility issues, the need for additional parking spaces for family vehicles 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 5 feet front yard depth for the dwelling and 29.4% net lot coverage, a variance of 19 feet front street line setback and a waiver of the rear yard location requirement for an accessory building in order to validate existing conditions (dwelling, shed, and development) to obtain a building permit for 10' x 65' driveway along the side of the dwelling and 31' x 55' driveway to the rear of the dwelling on the property located at Lot 18, Block B, Adelphi Knolls Subdivision, being 8111 Riggs Road, Adelphi, 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 23.

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.