

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

Petitioner: Victoria Baltazar

Appeal No.: V-137-18

Subject Property: Lots 13 & 14, Block 11, Colmar Manor Subdivision, being 3905 Lawrence Street,
Brentwood, Prince George's County, Maryland

Municipality: Town of Colmar Manor

Witness: Maria Victoria Baltazar, Daughter

Heard: December 5, 2018; Decided: January 23, 2019

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 variances from Section 27-442(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(d)(Table III), which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line; Section 27-442(e)(Table IV), which prescribes that each lot shall have a front yard at least 25 feet in depth; 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 (property, dwelling) and construct a driveway in the front yard. Variances of 1,000 square feet net lot area, 10 feet front building line width, 12 feet front yard depth 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 1918, contains 4,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. Lots 13 and 14 are extremely narrow being 20 feet wide each, for a total lot width of 40 feet. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).

2. Petitioner would like to construct a 16' x 17' driveway located in front of the dwelling. 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 and 4 (A) thru (H).

3. In addition, the subject property does not meet the current minimum lot size and lot width requirements and the existing covered front porch is located 13 feet from the front street line. Variances of 1,000 square feet net lot area, 10 feet front building line width and 12 feet front yard depth were requested, respectively. Exhs. 2 and 4 (A) thru (H).

4. Petitioner explained that the requested driveway is for family safety in the early morning and evening. She opined that having the driveway closer to the house would be safer. Exhs. 2 and 4 (A) thru (H).
5. The Town of Colmar Manor agreed with the proposed location of the curb cut and driveway. Exh. 18.

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 lots being extremely narrow, the described need for safety of Petitioner's family 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 variances of 1,000 square feet net lot area, 10 feet front building line width, 12 feet front yard depth and a waiver of the parking area location requirement in order to validate existing conditions (property, dwelling) and construct a 16' x 17' driveway in the front yard on the property located at Lots 13 & 14, Block 11, Colmar Manor Subdivision, being 3905 Lawrence Street, Brentwood, 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, Exh. 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.