

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-61-15 Celenia Cedillo Diaz

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: September 30, 2015.

CERTIFICATE OF SERVICE

This is to certify that on October 14, 2015, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of Riverdale Park
Town of Riverdale Park, Code Enforcement
Ernesto Luna, Spanish Language Interpreter

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

Petitioner: Celenia Cedillo Diaz

Appeal No.: V-61-15

Subject Property: Lot 6, Block 1, Springbrook Terrace Subdivision, being 5404 Spring Lane, Hyattsville,
Prince George's County, Maryland

Municipality: Town of Riverdale Park

Spanish Language Interpreter: Ernesto Luna

Witnesses: Alex Ramos, Petitioner's husband
Roberto Morales, neighbor

Heard: August 5, 2015; Decided: September 30, 2015

Board Members Present and Voting: 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(e)(Table IV) of the Zoning Ordinance, 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 and obtain a building permit for a driveway in the front yard. A variance of 2.5 feet front yard depth and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1936, contains 5,213 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, 8 and 9. The existing dwelling was built in 1948. Exhs. 8 and 9.

2. The property is not unique in its size and shape. Exhs. 2 and 3. The lot has no exceptional topography or other conditions peculiar to the property. Exhs. 10(A) through (F).

3. Petitioner was issued a Stop Work Order by the Town of Riverdale Park ("Town") and informed that the driveway requires a Prince George's County and Town building permits. Exh. 5.

4. Petitioner would like to obtain a building permit for a 16' x 26' concrete driveway (that includes replacement of 9-foot-wide gravel driveway with concrete), but variances are needed to obtain the permit. The previous gravel driveway was located in the side yard, but since a portion of the new 16' x 26' concrete driveway is located in front of the house in the area prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 13.

5. In addition, since the existing covered front porch is located 22.5 from the front street line, a variance of 2.5 feet front yard depth was also requested to validate that existing condition. Exh. 13.

6. Alex Ramos testified that because they have three vehicles, one of which is for business, the larger driveway is needed. Exhs. 4(A) through (C). He stated also that after 4:00-5:00 P.M. available parking spaces do not exist on Spring Lane.

7. The Town of Riverdale Park opposed the request. Exh. 20.

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 do not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioner's lot has no exceptional topography or other conditions peculiar to the property. The Board further finds that the lot is regular in its size and shape and no evidence of any extraordinary situation or uniqueness of the lot was presented.

2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, by majority vote, Chairperson Bobbie Mack abstaining, that a variance of 2.5 feet front yard depth and a waiver of the parking area location requirement in order to validate existing conditions and obtain a building permit for a 16' x 26' concrete driveway in the front yard and replacement of a 9' x 16' gravel driveway with concrete in the side yard on the property located at Lot 6, Block 1, Springbrook Terrace Subdivision, being 5404 Spring Lane, Hyattsville, Prince George's County, Maryland, be and are hereby DENIED.

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.