

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-59-15 Ruben Gonzalez

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: August 5, 2015.

CERTIFICATE OF SERVICE

This is to certify that on August 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

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

Petitioner: Ruben Gonzalez

Appeal No.: V-59-15

Subject Property: Lot 99, Block B, Palmer Park Subdivision, being 7624 Normandy Road, Hyattsville,
Prince George's County, Maryland

Heard and Decided: August 5, 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 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, 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 and off-street parking. Petitioner proposes to validate an existing condition and replace an existing gravel driveway with concrete. A variance of 17.1% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 3,862 square feet, is zoned R-35 (One-Family Semi-Detached) and is improved with a semi-detached single-family dwelling and driveway. Exhibits ("Exhs.") 2, 3, 6 and 7. The existing dwelling was built in 1955. Exhs. 6 and 7.
2. The property is a narrow lot, being 36.79 feet wide. Exh. 2.
3. Petitioner would like to replace an existing 10' x 58' gravel driveway with concrete, but a variance is needed to obtain a building permit. Since the allowed amount of net lot coverage (30%) has been exceeded by existing development on the property, a variance of 17.1% net lot coverage was requested to validate this existing condition and obtain the permit. Exh. 11.
4. There are driveways on other properties on Petitioner's street. Exhs. 8(A) through (E). Petitioner's driveway is 68 feet in length and extends back to the rear line of the house. The front 58 feet of the driveway is gravel and the rearmost 10-foot-long portion of the driveway is concrete. Exh. 2.
5. Petitioner testified that he purchased the property in 2013. He stated that the gravel driveway, the concrete driveway extension and a concrete apron existed at that time. Exhs. 4(A) and (B), 8(F). He confirmed that all he wants to do is cover the existing gravel with concrete.

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 dimensions of the property, the existing conditions on the property, the gravel driveway existing at the time Petitioner purchased the property, 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, Chairperson Bobbie Mack being absent, that a variance of 17.1% net lot coverage in order to validate an existing condition and replace an existing 10' x 58' gravel driveway with concrete on the property located at Lot 99, Block B, Palmer Park Subdivision, being 7624 Normandy Road, Hyattsville, 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.

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 27-233(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.