

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-36-14 Gladis Guevara & Rene Portillo

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: June 18, 2014.

CERTIFICATE OF SERVICE

This is to certify that on June 30, 2014, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Glenarden

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

Petitioners: Gladis Guevara and Rene Portillo

Appeal No.: V-36-14

Subject Property: Lots 12 & 13, Block 7, Glenarden Heights Subdivision, being 1508 7th Street, Glenarden,
Prince George's County, Maryland

Municipality: City of Glenarden

Heard: June 4, 2014; Decided: June 18, 2014

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, Petitioners request that the Board approve a variance 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(e)(Table IV), which prescribes that each lot shall have two side yards at least 5 feet wide each; 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; 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. Petitioners propose to validate existing conditions on the property and construct a driveway in the front yard. Variances of 680 square feet net lot area, 1 foot side yard width, 4.4% net lot coverage 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 1947, contains 4,320 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits ("Exhs.") 2, 3, 7 and 8. The existing dwelling was built in 1966. Exhs. 7 and 8.
2. The property is extremely narrow, being 40 feet wide and 108 feet deep. Exh. 2.
3. Petitioners would like to construct a 16.2' x 32.23' driveway, but variances are needed to obtain a building permit. Since construction of the driveway would cause the allowed amount of net lot coverage to be exceeded and a portion of the driveway would be located in the area of the front yard prohibited by Section 27-120.01(c), a variance of 4.4% net lot coverage and a waiver of the parking area location requirement were requested. Exhs. 11 and 12.
4. Variances are also needed to validate existing conditions on the property. Since the size of the property does not meet the minimum lot size requirement and the covered porch on the side of the house is located only 4 feet from the side lot line, variances of 680 square feet net lot area and 1 foot side yard width were also requested. Exh. 12.

5. Petitioner Gladis Guevara testified that the subject property is the only property on the block without a driveway. She stated that a mailbox prevents her from parking her vehicle in front of the subject property and there is limited street parking spaces.

6. She further testified that the two-car driveways on her block are for two vehicles (Exhs. 5(A) through (D)) and she would similarly like a driveway to park two cars. She explained that they already have a preexisting driveway apron. Exhs. 4(A) and (B).

7. She stated that there is insufficient area to extend a driveway along the side of the house. Exh. 2.

8. The City of Glenarden does not oppose the variance request. 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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1947, the house being built many years ago, the narrowness of the property preventing space for a suitable driveway in the side yard, the size of the lot not meeting the current requirement for development in the R-55 Zone, existing net lot coverage exceeding the current maximum allowed, an existing covered landing on the side of the house infringing slightly into the required side yard setback, there being a shortage of on-street parking on Petitioners' street, the location of a mailbox preventing parking on the street in front of Petitioners' house, 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, unanimously, that variances of 680 square feet net lot area, 1 foot side yard width, 4.4% net lot coverage and a waiver of the parking area location requirement in order to validate existing conditions and construct a 16.2' x 32.23' driveway in the front yard on the property located at Lots 12 & 13, Block 7, Glenarden Heights Subdivision, being 1508 7th Street, Glenarden, 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, Exhibit 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.