

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-104-15 Melchora Traygo Living Trust

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: November 18, 2015.

CERTIFICATE OF SERVICE

This is to certify that on January 7, 2016, 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: Melchora Traygo Living Trust

Appeal No.: V-104-15

Subject Property: Lots 23 & 24, Block AA, Beltsville Heights Subdivision, being 4702 Olympia Avenue,
Beltsville, Prince George's County, Maryland

Witnesses: Melchora Traygo
Kenneth Mikulina

Heard and Decided: November 18, 2015

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(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. Petitioner proposes to validate an existing condition and replace and extend an existing driveway. A variance of 1.9% 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 1920, contains 5,040 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, 6 and 7. The existing dwelling was built in 1969. Exh. 6.
2. The property is a narrow lot, being 40 feet wide, with narrow side yards. Exh. 2.
3. Petitioner would like to replace an existing 8' x 31' driveway with a 10' x 31' driveway (Exh. 2), but variances are needed to obtain a building permit. Since part of Petitioner's new driveway would be located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 11.
4. In addition, since the allowed amount of net lot coverage (30%) is already exceeded by existing development on the property and widening the driveway will cause a further overage, a variance of 1.9% net lot coverage was also requested. Exhs. 10 and 11.
5. Melchora Traygo testified that the current driveway is very narrow, being only 8 feet wide. She explained that the car door (constantly) hits a neighbor's fence when opened.

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 narrowness of the property, the existing driveway being narrow, widening the driveway allowing adequate driveway surface width to open doors of vehicles and step out onto pavement, the proposed driveway extension needing variances for the additional net lot coverage and location in front of the 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 owner of the property.

BE IT THEREFORE RESOLVED, by majority vote, Board Member Anastasia Johnson being absent, that a variance of 1.9% net lot coverage and a waiver of the parking area location requirement in order to validate an existing condition and replace and extend an existing 8' x 31' driveway into a 10' x 31' driveway on the property located at Lots 23 & 24, Block AA, Beltsville Heights Subdivision, being 4702 Olympia Avenue, Beltsville, 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.