

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-85-15 Angel Lima and Maria Morales

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 9, 2015.

**CERTIFICATE OF SERVICE**

This is to certify that on September 23, 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: Petitioners  
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***

Petitioners: Angel Lima and Maria Morales

Appeal No.: V-85-15

Subject Property: Lot 16, Block S, Langley Park Subdivision, being 8002 Riggs Road, Hyattsville,  
Prince George's County, Maryland

Heard and Decided: September 9, 2015

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
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, Petitioners request that the Board approve a variance 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. Petitioners propose to validate an existing condition and extend an existing driveway. A variance of 4 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1950, contains 8,500 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.
2. The dwelling was built in 1950 (Exhs. 8 and 9), and the dwelling was enlarged and a second story added in 2012 (Exhs. 2 and 7).
3. Petitioners would like to construct a 10' x 12' driveway extension at the back of the existing driveway, but a variance to validate an existing condition on the property is needed to obtain a building permit. Since the covered front porch on the dwelling is only 21 feet from the front street line, a variance of 4 feet front yard depth was requested. Exh. 11.
4. Petitioner Angel Lima testified that he bought the property in 2003. He stated that in wet weather the gravel on the existing driveway washes out and he wants to replace the gravel with pavers while extending the driveway 10 feet for additional parking area. Exh. 2.
5. Petitioner submitted photographs of driveways on surrounding lots. Exhs. 6(A) through (G).

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 existing conditions on the property, the existing roof over the front door not meeting the required front yard setback requirement, validation of the roof being necessary to obtain a building permit, the gravel of the existing driveway being replaced with pavers, the need for additional off-street parking area, 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, by majority vote, Mr. Scott absent, that a variance of 4 feet front yard depth in order to validate an existing condition and construct a 10' x 12' extension to the existing driveway on the property located at Lot 16, Block S, Langley Park Subdivision, being 8002 Riggs 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)  
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.