

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-26-15 Ismael Villalta & Jennifer Granados

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: May 13, 2015.

**CERTIFICATE OF SERVICE**

This is to certify that on June 24, 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  
Ernesto Luna, Spanish Language Interpreter

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

Petitioner: Ismael Villalta and Jennifer Granados

Appeal No.: V-26-15

Subject Property: Lot 28, Block B, First Addition to Riverdale Heights Subdivision, being 5813 Roanoke Avenue, Riverdale, Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Heard and Decided: May 13, 2015

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 requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have two side yards totaling 17 feet in width with the minimum width of either side yard being 8 feet 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 construct a driveway in the front yard. Variances of 1 foot left and 2 feet right side yard width and a waiver of the parking area location requirement were requested.<sup>1</sup>

**Evidence Presented**

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

1. The property was subdivided in 1919, contains 8,428 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 1953. Exhs. 7 and 8.

2. The lot is narrow, being approximately 50 feet wide, and the front street line is sharply angled. Exhs. 2 and 3. The existing dwelling is 36.2 feet wide and each side yard is approximately 7 feet in width. Exh. 2.

3. Petitioners would like to construct a 20' x 46'-57' driveway in the front yard, most of which would be located in front of the house, but a variance is needed to obtain a building permit. Since the driveway is 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. Petitioner Ismael Villalta testified that he has lived at the property for 10 months. He stated that there is not enough on-street parking available for visitors and when he gets home any spaces in front of his

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<sup>1</sup> It was determined that left and right side yard setback variances are not needed since the lot's narrow width permits 7-foot side yards.

house are taken. He further testified that he needs a driveway of the size proposed because he, his wife and sister-in-law (living with them) have cars and his son is now learning to drive.

5. He stated that the proposed driveway would extend half way across the house (Exh. 2) and the yard in front would be dug out approximately 18 inches as part of the construction.

6. He further stated that there are only two properties that do not have parking in front.

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

1. The Board finds that Petitioners' lot has no exceptional narrowness, shallowness, shape or topography. The Board further finds that no evidence was presented of any extraordinary situation or condition of the subject property.

2. Even assuming, *arguendo*, that the lot's narrowness and the shape of the front yard meet the initial requirements of Section 27-230, no evidence was presented to support the conclusion that the strict application of the Zoning Ordinance would result in any peculiar and unusual practical difficulties or an exceptional or undue hardship upon the Petitioners.

BE IT THEREFORE RESOLVED, unanimously, that a waiver of the parking area location requirement in order to construct a 20' x 46'-57' driveway in the front yard on the property located at Lot 28, Block B, First Addition to Riverdale Heights Subdivision, being 5813 Roanoke Avenue, Riverdale, Prince George's County, Maryland, be and is hereby DENIED.

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 27-234 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.