

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-73-14 Juan Reina

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: October 22, 2014 .

**CERTIFICATE OF SERVICE**

This is to certify that on November 12, 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: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
Lewisdale Citizens Association  
Ernesto Luna, Spanish Translator

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

Petitioner: Juan Reina

Appeal No.: V-73-14

Subject Property: Lot 6, Block 8, Lewisdale Subdivision, being 7004 23rd Avenue, Hyattsville,  
Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Heard and Decided: October 22, 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, 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; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side lot line; 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 extension in the front yard. Variances of 4.8% net lot coverage, 2 feet side lot line setback for an accessory building and a waiver of the parking requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1946, contains 6,180 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, detached garage and driveway. Exhibits ("Exhs.") 2, 3, 6 and 7. The existing single-family dwelling was built in 1949. Exhs. 6 and 7.
2. Petitioner would like to construct an 11' x 25' extension to the existing driveway, but a variance is necessary in order to obtain a building permit. Since the proposed driveway extension would be located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking requirement was requested. Exh. 10.
3. Petitioner also needs variances to validate existing conditions on the property. Since the existing detached garage is located at the side lot line, a variance of 2 feet side lot line setback for an accessory building was requested. In addition, since the allowed amount of net lot coverage has been exceeded by existing development on the property, and construction of the driveway extension would cause a further excess, a variance of 4.8% net lot coverage was also requested. Exhs. 9 and 10.
4. Petitioner testified that he has owned the property since 2010, but does not currently reside at the subject property. He stated that he may purchase an additional vehicle when he moves to the property and

believes the current driveway would be too small. He explained that street parking is allowed but often is hard to find. He further explained that with the proposed driveway extension in the front yard he would not be forced to move one car to allow another car to exit or back out of the driveway. He stated that the existing driveway extends to the garage.

5. Petitioner further testified that he has not seen any neighborhood properties with a driveway located in front of the house.

6. Lewisdale Citizens Association opposed the request. Exh. 16.

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

1. The Board finds that Petitioner's lot has no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition on the subject property.
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that variances of 4.8% net lot coverage, 2 feet side lot line setback for an accessory building and a waiver of the parking requirement in order to validate existing conditions and construct an 11' x 25' driveway extension in the front yard on the property located at Lot 6, Block 8, Lewisdale Subdivision, being 7004 23rd Avenue, Hyattsville, Prince George's County, Maryland, be and are 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.