

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-33-14 Dinora Chevez & Armando Quezada

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 July 31, 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

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

Petitioners: Dinora Chevez and Armando Quezada

Appeal No.: V-33-14

Subject Property: Lot 22, Block B, Riverdale Gardens Subdivision, being 6607 60th Avenue, Riverdale,
Prince George's County, Maryland

Witness: Edgar Lazo, husband of Dinora Chevez

Heard: May 21, 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 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. Petitioners propose to construct a driveway in the front yard and a shed. A variance of .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 1941, contains 5,750 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 3, 7 and 8. The existing single-family dwelling was built in 1959. Exhs. 7 and 8.
2. The property is located within Aviation Policy Area 6. Exh. 8. The record does not indicate any encroachments upon the requirements.
3. The property is rectangular in shape and its size is consistent with the size of other lots in the immediate vicinity. Exhs. 2 and 3.
4. Petitioners would like to construct a second driveway (13' x 26'⁵/₈' x 26') and shed (10' x 15') on the property (Exhs. 1 and 2), but variances are needed to obtain a building permit. Since construction of the second driveway and shed would cause the allowable amount of net lot coverage to be exceeded, a variance of .4% net lot coverage was requested. Exhs. 11 and 12.
5. In addition, since an 8' x 26' portion of the proposed 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 also requested. Exh. 12.
6. Petitioner Dinora Chavez testified that she purchased the property in December 2013. She stated that the existing driveway is very narrow, her husband is a snow removal contractor and he wants to park his

two large trucks on the property rather than on the street, which she says is very inconvenient because the vehicles cannot be parked in front of their house. She explained that vehicles parked on the street and near an existing ditch across the street make the street narrower (for passage).

7. Petitioner's husband, Edgar Lazo, testified that the proposed 5-foot-wide driveway area on the side of the house would be used to store his salt spreader which is 4 feet wide and 8 feet long. Exh. 4(C). He stated that he has the two large trucks, a van used for his work and a personal vehicle.

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 Petitioners' lot is regular in its size and shape and no evidence of any extraordinary situation or uniqueness of the lot was presented.
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.
3. The Board notes that denial of the variances does not prevent Petitioners from obtaining a permit for the shed and that Petitioners already have an existing driveway.

BE IT THEREFORE RESOLVED, unanimously, that a variance of .4% net lot coverage and a waiver of the parking area location requirement in order to construct a driveway in the front yard and a shed on the property located at Lot 22, Block B, Riverdale Gardens Subdivision, being 6607 60th Avenue, Riverdale, 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.