



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

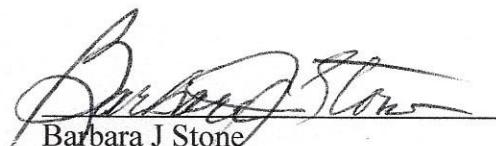
OF BOARD OF APPEALS

RE: Case No. V-21-23 Evelyn M. Aguirre

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 24, 2023.

CERTIFICATE OF SERVICE

This is to certify that on September 6, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J Stone
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: Evelyn M. Aguirre

Appeal No.: V-21-23

Subject Property: Lot 69, Block 4, Riggs Manor Subdivision, being 6622 24th Avenue, Hyattsville, Prince George's County, Maryland

Witnesses: Kenneth Harrison, Inspector, Department of Permitting, Inspections and Enforcement (DPIE)

Iris Hardy, Neighbor

Melissa Benitez, Daughter of Petitioner

Heard: May 10, 2023; Decided: May 24, 2023

Board Members Present and Voting:

Bobbie S. Mack, Chairperson

Anastasia T. Johnson, Member

Carl Isler, Member

Teia Hill, Member

Renee Alston, 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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-4202(f)(1) prescribes that each lot shall have a minimum lot width of 60 feet, a lot frontage (width) at front street line minimum of 48 feet and not more than 45% of the net lot area shall be covered by buildings and off-street parking. Section 27-4202(f)(2) prescribes that each lot shall have a front yard at least 15 feet in depth. Section 27-4202(f)(3) prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to validate existing conditions (lot width, lot frontage (width) at front street line, front yard depth and side yard width) and obtain a building permit for the unauthorized covered carport. Variances of 22 feet lot width, 9 feet lot frontage (width) at front street line, 8% net lot coverage, 2 feet front yard depth and 6.3 side yard width are requested.

Evidence Presented

1. The property was subdivided in 1951, contains 4,497 square feet, is zoned RSF-A (Residential, Single-Family-Attached) and is improved with a single-family dwelling, driveway, carport, and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) through (F).

2. The subject property is rectangle in shape being 116 feet long and 39.36 feet wide at the street front and 36.93 feet wide at the rear property line. Exhs. 2, 4, 7, 8 and 9 (A) through (F).

3. Petitioner proposes to validate four existing conditions (lot width, lot frontage (width) at front street line, front yard depth and side yard width) and obtain a building permit for the unauthorized covered carport. Variances of 22 feet lot width, 9 feet lot frontage (width) at front street line, 8% net lot coverage, 2 feet front yard depth and 6.3 side yard width are requested. All variances pertained to the validation of the preexisting carport. Exhs. 2, 4, 7, 8 and 9 (A) through (F).

4. Petitioner Evelyn Aguirre testified that she would like the covered carport to remain because of her medical conditions that leave her with many physical limitations. She explained that she cannot physically remove snow from her vehicle. She stated that in 2014, when she had back surgery, she decided to construct the carport. Exhs. 2, 3 (a) through (e), 6 (A) through (F).

5. A Correction Order was issued on September 23, 2022. Exh 5.

6. Board Member Isler inquired why the order was issued. Inspector Harrison responded that there was a complaint lodged about the driveway being extended, the carport being covered, and a 6-foot white fence, which he observed when he visited the site. There were no building permits for the renovations. He noted that the original driveway existed when Petitioner purchased the house. Exh. 5.

7. Board Member Alston questioned Inspector Harrison further regarding the actual complaint. Inspector Harrison responded that there was a driveway extension, the carport, and the fence. Exh. 5.

8. Ms. Aguirre stated that the that the driveway does not look exactly as it did when she purchased the house because Washington Gas installed a gas meter on the side of the house. Because of damage to the driveway, some of the driveway area look new. Exhs. 2, 3 (a) through (e), 6 (A) through (F).

9. Ms. Iris Hardy testified that she owned rental property next to Petitioner and has grave concerns that when it rains, water will run onto her property from the roof of the covered carport. She believed that it would flood her property as the downspouts from the carport are not that far from the fence line. She surmised that with all of the concrete on the subject property, rain and snow will come under the fence, and run to her side. Exh. 2 (site plan).

10. Ms. Aguirre stated that the carport has been there since her surgery in 2014. She believes that the water runs toward the driveway.

11. Board Member Isler queried where the water comes out from the downspouts. Ms. Aguirre responded that the downspouts come to the center of the roofline along the outside of the carport roof. Exhs. 6 (A) thru (F).

12. Ms. Melissa Benitez testified that Ms. Hardy said her concern was the water flowing to her property, but if you look at the photos, there is a rock along the side of the carport to direct the water to the driveway. Exhs. 2, 3 (a) through (e), 6 (A) through (F).

13. Board Member Alston questioned the distance between the carport roof and the property line/fence. Administrator Stone noted that looking at the aerial photos, it is very clear the roofline does not overhang the fence. The issue, however, would be where the downspouts are located and the possible need for additional downspouts to direct the flow of water away from the neighbor's property. Exhs. 2, 3 (a) through (e), 6 (A) through (F).

14. Inspector Harrison indicated that the carport roof is slanted and opined that the neighbor's property would receive some water run-off. He stated that there is a gutter, but the driveway seems to slant toward the left, so even with the gutter, water would penetrate to the neighbor's property. Exhs. 2, 3 (a) through (e), 6 (A) through (F).

15. Ms. Hardy stated that her tenants provided her with photographs of the side of her house that becomes very muddy with standing water. Exh. 18 (A) thru (O).

16. Madam Chair questioned how far the carport posts were to the fence. Inspector Harrison speculated maybe 12 to 18 inches.

17. It was suggested to the Petitioner to provide an elevation plan showing the location, number, and size of the downspouts. Also, it was requested to measure the distance from the post to the fence, to show the stairs entering the home and confirm the location of the gas meter.

The Board resolved by majority vote (4/1), to "take the record under advisement" and for the Petitioner to submit the requested revised site plan and elevation plan.

1. On May 24, 2023, the Petitioner provided a revised site plan and an elevation plan. The site plan identified the downspouts, the stairs and gas meter. The elevation plan shows the gutter and the exact locations of the downspouts. Photographs were also provided to illustrate the size of the gutter and show a drainage pipe which demonstrated that all of the downspouts will be moving the water flow to the front of the carport to the driveway. Exhs. 19, 20 and 21 (A) through (M).

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property;
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

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 27-3613(d), more specifically:

Due to the Petitioner's medical issues, the need for a sheltered place for her car close to the home 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 unanimously, that a variances of 22 feet lot width, 9 feet lot frontage (width) at front street line, 8% net lot coverage, 2 feet front yard depth and 6.3 side yard width in order to validate existing conditions (lot width, lot frontage (width)) at front street line, front yard depth and side yard width) and obtain a building permit for the unauthorized covered carport on the property located at 6622 24th Avenue, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved revised site plan, Exhibit 19, and approved elevation plans, Exhibits 3 (a) through (e), and revised floor plan, Exhibit 20.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

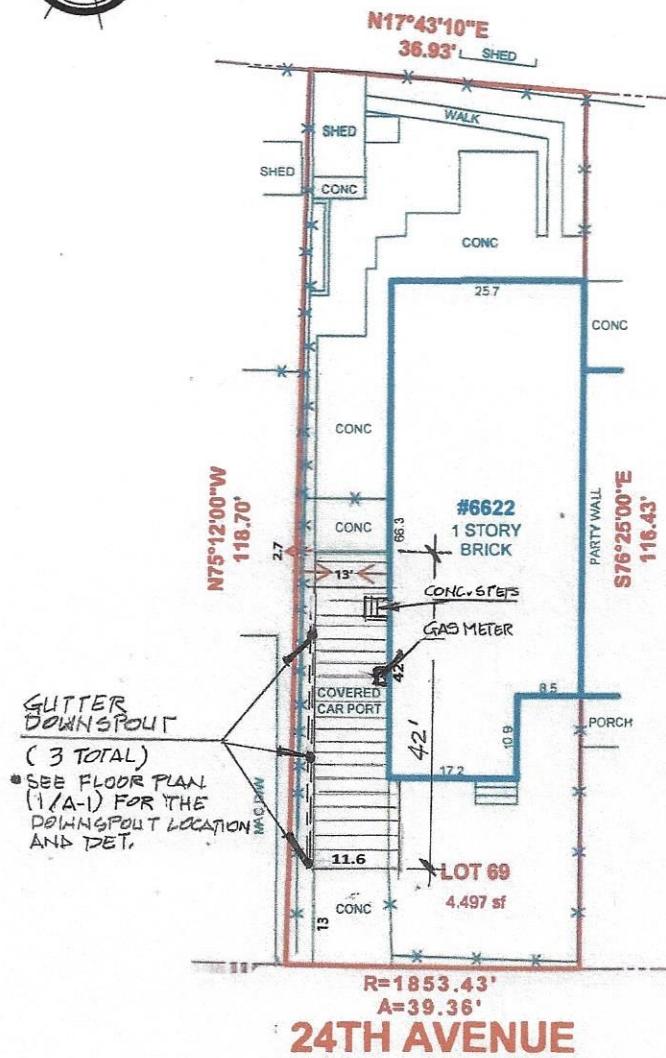
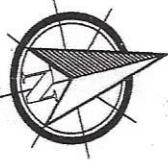
NOTICE

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 27-3613(c)(10)(B) 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.

P.B. 18 @ 92



BOARD OF APPEALS

APPROVED MAY 24 2023


Administrator

THE LEVEL OF ACCURACY OF
DISTANCES TO APPARENT
PROPERTY LINES IS:
2±

LOCATION DRAWING OF:

#6622 24TH AVENUE

LOT 69

BLOCK 4

RIGGS MANOR

PLAT BOOK 18, PLAT 92

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 11-15-2022

DRAWN BY: AP FILE #: 2211597-200

LEGEND:

- * - FENCE
- BE - BASEMENT ENTRANCE
- BW - BAY WINDOW
- BR - BRICK
- BRL - BRICK LINE RESTRICTION LINE
- BST - BASEMENT STOOP
- CIS - CONCRETE STOOP
- CON - CONCRETE
- D/W - DRIVEWAY
- EX - EXISTING
- FF - FRAME
- MAC - MASONRY
- NE - NOW OR FORMERLY
- OH - OVERHANG
- PUE - PUBLIC UTILITY ESMT.
- PIE - PUBLIC IMPROVEMENT ESMT.
- COLOR KEY:
- (RED) - RECORD INFORMATION
- (BLUE) - IMPROVEMENTS
- (GREEN) - ESMTS & RESTRICTION LINES

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SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12, CHAPTER 09,13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT OF PROPERTY IS A COPIED SURVEY AND IS FOR THE USE OF A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE COMPLETED TRANSFER OF PROPERTY. THE SURVEYOR IS NOT RESPONSIBLE FOR THE LEVEL OF ACCURACY FOR THIS DRAWING AS 2±. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS, RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY LINE IS NOT SHOWN.

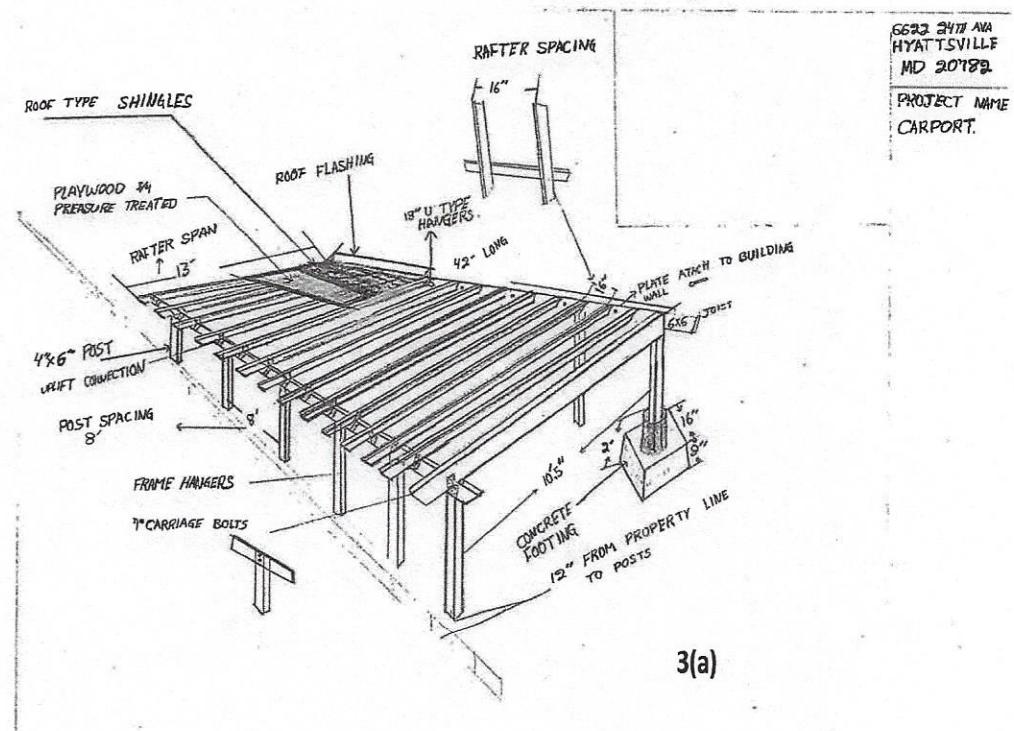
EXH. # 19
V-21-23

DULEY & ASSOC.

WILL GIVE YOU A 100%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.

(EXCLUDING D.C. & BALT. CITY)

PAGE
3

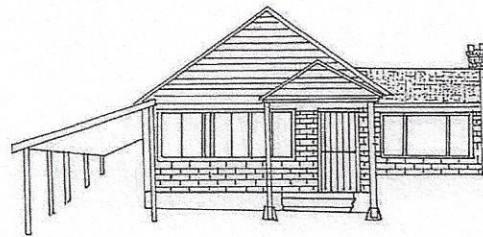


BOARD OF APPEALS

EXH. # 3(a-e)
V-21-23

APPROVED MAY 24 2023

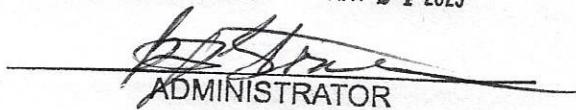
John Doe
ADMINISTRATOR

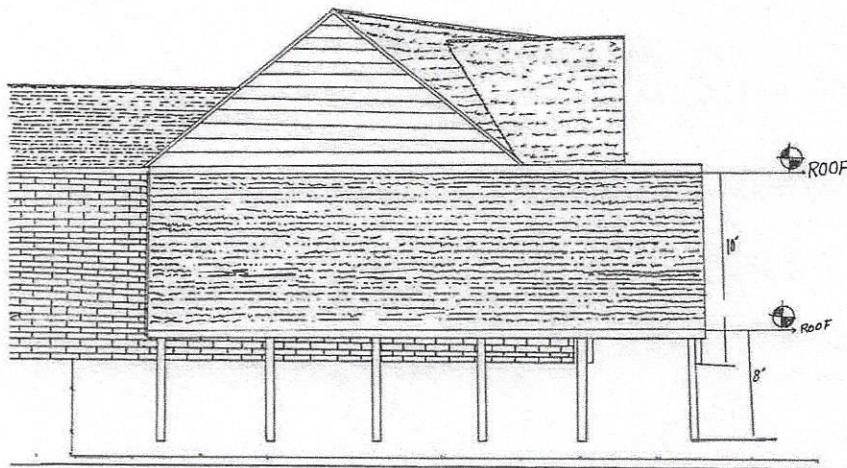


3(b)

BOARD OF APPEALS

APPROVED MAY 24 2023


Administrator

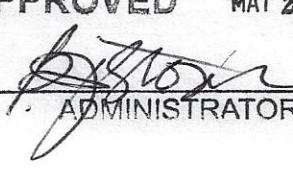


LEF SIDE
36" = 1'
PAGE 2

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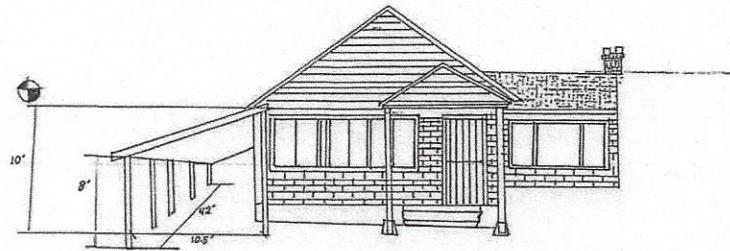
APPROVED MAY 24 2023

3(c)


ADMINISTRATOR

AGUIRRE CARPORT

6622 24TH AVE
HYATTSVILLE
MD 20702



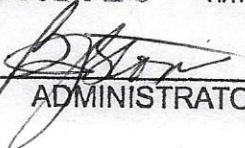
FRONT SIDE

$\frac{1}{8}'' = 1'$ PAGE 1

3(d)

BOARD OF APPEALS

APPROVED MAY 24 2023


ADMINISTRATOR

