



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-38-23 Juan Carlos Morales Ramirez

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 13, 2023.

CERTIFICATE OF SERVICE

This is to certify that on November 1, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature of Barbara J. Stone is shown above a horizontal line.

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: Juan Carlos Morales Ramirez

Appeal No.: V-38-23

Subject Property: Lot 15, Block D, Palmer Park Subdivision, being 2307 Penbrook Circle, Hyattsville, Prince George's County, Maryland

Witness: Brenda Tate, Neighbor

Spanish Language Interpreter: Ernesto Luna

Heard: July 26, 2023; Decided: September 13, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Carl Isler, Acting Vice Chair

Renee Alston, Member

Teia Hill, Member

Board Member Absent: 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 27-4202(f)(1) prescribes that each lot shall have a minimum width of 60 feet measured along the front building line and 48 feet lot frontage width at front street line. Section 27-120.01(c) 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 (lot width at the building line and lot frontage width at front street line) and obtain a building permit for the construction of a driveway partially located in front of the house. Variances of 34 feet lot width at the building line, 25 feet lot frontage width at front street line and a waiver of the parking area location requirement

Evidence Presented

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

1. The property was subdivided in 1954, contains 9,108 square feet, is zoned RSF-A (Residential, Single-Family - Attached), and is improved with a single-family dwelling, concrete patio, 3.5-foot wood wall and shed with steps. Exhibits (Exhs.) 2, 3, 8, 9, and 10 (A) thru (F).

2. The subject property is located within a cul-de-sac or circle with a unique pie-shaped outline that has an angular right-side yard. Exhs. 2 and 3.

3. Petitioner proposes to validate existing conditions (lot width at the building line and lot frontage width at front street line) and obtain a building permit for the construction of a driveway partially located in front of the house. Variances of 34 feet lot width at the building line, 25 feet lot frontage width at front street line, and a waiver of the parking area location requirement. Due to the lot configuration being created by the recorded subdivision plat and the zoning regulations at the time, a validation of the lot width at building line and street line is necessary to conform to the current regulations. Due to the narrow width of the lot, the proposed driveway must be located in front of the dwelling. Exhs. 2, 3, 8, 9 and 10 (A) thru (F).

4. Petitioner Juan Carlos Morales Ramirez testified that he wishes to construct a driveway in front of his house. Exh. 2.

5. Administrator Stone noted that there is a deck and a stone wall that is not identified on the site plan in the back of the house. Petitioner will need a revised site plan to show the deck and the height of the wall. These items would not be included in the calculated lot coverage. Exh. 2.

6. Ms. Tate testified that she does understand that he is trying to build a driveway in the front of the home, so she is not sure how this affects the rear of the home. There is a lot that sits behind his home that her backyard abuts. She has been in her home 50 plus years and the property behind her home, she is not sure who owns it. Nothing has ever been done with it and has always been vacant, and desires to know how this variance request would impact her property. Exhs. 2.

7. Ms. Tate stated that the driveway construction will not affect her property as her lot fronts on a different street, and only her backyard abuts a piece of land that has an adjacency to his property.

8. Administrator Stone questions Ms. Tate regarding the backyard, what is she specifically speaking to? Ms. Tate responded, that directly behind her backyard is a strip of land that no home has ever used and has been vacant. When the Petitioner moved in, he started clearing the area and she questioned the Petitioner on his intended use for the property. Ms. Stone explained that the property belongs to the Petitioner. There is no empty lot located behind her home. Ms. Tate further stated that no one in the neighborhood has that much property. Administrator Stone noted that the subdivision plat clearly shows that the subject property contains 9,108 square feet. This lot is one of the largest lots in the neighborhood, and its pie-shaped orientation is actually considered long at 151.54 feet. The average lot in the neighborhood is around 3,700 square feet. Exhs. 2 and 3.

9. Mr. Ramirez stated that there are two other driveways in the immediate area. Exhs. 10 (A) thru (F).

10. Ms. Hill questioned if there was a Homeowners Association in the neighborhood. Mr. Ramirez stated that there was no Homeowners Association in the neighborhood.

11. Mr. Ramirez stated that the reason for the driveway is that he has a child with medical issues and needs constant supervision. In addition, the street has a pie-shaped outline, and there is no off-street parking. Exhs. 2 and 3.

A motion was made to hold the record open in order for the Petitioner to submit a revised site plan demonstrating the structures in the rear yard. The motion was seconded by Mr. Isler. Motion carried 4/0.

On September 13, 2023, the Petitioner submitted a revised site plan (Exh. 18) demonstrating the structures in the rear yard which have no impact on the variances requested. Therefore, the Board will accept the original site plan which is the approved Site Road site plan as the primary site plan.

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:

(d) 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.

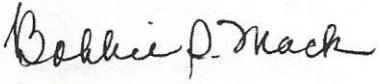
Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-3613 (d), more specifically:

Due to the subject property not having street parking due to its pie-shaped orientation within a cul-de-sac or circle, the need for a safe area for the Petitioner child with medical issues entering and exiting the vehicle, 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. Additionally, testimony indicates that granting of these variances will not substantially impair the use and enjoyment of the adjacent properties. Furthermore, the practical difficulty was not self-inflicted, and variances are necessary due to the unique shape of the Petitioner's property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Bobbie Mack and Ms. Anastasia Johnson absent, that variances of 34 feet lot width at the building line, 25 feet lot frontage width at front street line and a waiver of the parking area location requirement in order to validate existing conditions (lot width at the building line and lot frontage width at front street line) and obtain a building permit for the construction of a driveway partially located in front of the house on the property located at 2307 Penbrook Circle, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.

BOARD OF ZONING APPEALS

By: 

Bobbie S. Mack, Chairperson

Approval for Legal Sufficiency

Ellis Watson
By: _____
Ellis Watson, Esq.

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.

Signature: Ellis F. Watson
Ellis F. Watson (Oct 30, 2023 12:03 EDT)

Email: efwatson@co.pg.md.us

