



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-47-23 William Soto and Jeidiz Villatoro

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: December 13, 2023.

CERTIFICATE OF SERVICE

This is to certify that on February 14, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in dark ink, appearing to read "Barbara J Stone", is written over 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

Petitioners: William Soto and Jeidiz Villatoro

Appeal No.: V-47-23

Subject Property: Lot 11, Block X, Parklawn Subdivision, being 6515 Parkway Court, Hyattsville,
Prince George's County, Maryland

Heard: October 4, 2023; Decided: December 13, 2023

Spanish Language Interpreter: Ernesto Luna

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

Carl Isler, Acting Vice Chair

Renee Alston, Member

Board Member Absent:

Teia Hill, Member

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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-4202(e)(1) which prescribes that a lot shall have a minimum width of 65 feet at the building line. Section 27-11002 (1)(a) prescribes that no parking space, parking area, or parking surface other than a driveway no wider than its associate garage, carport, or other parking structure may be built in the front yard of a dwelling, except a "dwelling, townhouse" or "dwelling, multifamily", in the area between the front street line and the sides of the dwelling. Petitioners propose to validate an existing condition (lot width at the building line) and obtain a building permit for the proposed driveway extension in the front and side yards. Variances of 10 feet lot width at the front building line 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 1954, contains 7,044 square feet, is zoned RSF-65 (Residential, Single-Family - 65), and is improved with a single-family dwelling, gravel driveway, wood deck with steps, concrete slab, and shed. As stated in Prince George's County Zoning Ordinance Section 27-4202(e)(1), the purposes of the Residential, Single-Family-65 (RSF-65) Zone are to (A) provide and encourage variation in the size, shape, and width of single-family detached residential subdivision lots, in order to better utilize the natural terrain and (B) to facilitate the planning of higher density single-family residential developments with small lots and dwellings of various sizes and styles. Exhibits (Exhs.) 2, 3, 7, 8, and 9 (A) thru (E).

2. The subject lot has a narrow rectangular shape being 50.57' wide and 128.06 in length. The property is not located within the city limits of Hyattsville. Exhs. 2, 3, 7, 8, and 9 (A) thru (E).

3. Petitioners propose to validate an existing condition (lot width at the building line) and obtain a building permit for the proposed driveway extension in the front and side yards. Variances of 10 feet lot width at the front building line and a waiver of the parking area location requirement are requested. Exhs. 2, 3, 7, 8, and 9 (A) thru (E).

4. Petitioner Soto testified that the reason why they chose to request an extension to the driveway is that an additional car was needed because his wife's parents live with them. Her parents are seniors with severe mobility issues. It is very difficult to find parking in this neighborhood. When parking is not available close to the house, her parents find it very difficult to walk the distance. Exhs. 2, 4 (A) thru (F).

5. Board Member Isler noted that the photos are already showing gravel in the existing driveway and the extension, do you plan to pour concrete? Petitioner Soto responded that yes, concrete will be laid over the driveway and extension. Prior to the gravel, the existing driveway was damaged cement, which was removed, and the gravel was spread. He has spoken to several neighbors about this matter since he is not skilled with construction issues. Several of the neighbors stated that they wouldn't need a permit, so that is why the gravel has been spread. He didn't realize that he needed a permit. This driveway extension will provide one additional parking space, in total they will have three parking spaces. He further stated, again the reason is needed for his elderly in-laws. Exhs. 2, 4 (A) thru (F).

6. Board Member Isler questioned the Petitioner about placing a curb stop or bollards at the end of the driveway. Petitioner noted that there will be nothing further beyond the gravel, although, he noted that he may put up a fence to enclose the rear area. Exh. 2.

7. Administrator Stone questions the angle of parking for the extension; will you park two cars parallel to the house or just full in from the street? The petitioner stated yes that he would park the car parallel to the house. Administrator Stone asked to clarify that two cars could possibly park parallel to the house and then another car beside the house. Petitioner stated exactly, that is what he would like to do. There is room for four cars, although, the intention is for his father-in-law, who uses a cane for support, to be able to have a parking space where he is comfortable getting in and out of the car. Exh. 2.

8. Board Member Isler questioned the distance from the front steps to the front property line. Administrator Stone noted this is a dimension that is not shown on the site plan. A revised plan must be submitted to demonstrate the front yard setback. In addition, the revised site plan should demonstrate the fence at the end of the driveway. Exh. 2

9. Board Member Isler questioned Administrator Stone regarding the need for an extension to the apron. Administrator Stone responded that the Site Roads review may require an expanded apron. We will need the approved Site Road approved plan.

A motion was made by Chair Mack and seconded by Board Member Isler to continue the record in order for the Petitioner to submit a revised site plan demonstrating the Site Road Approval Stamp, a possible fence at the end of the driveway, and the front yard setback dimension. Motion carried 4/0 (Mack, Isler, Alston, and Johnson).

On December 13, 2023, the Board re-heard this matter as Petitioner has submitted a revised site plan (Exh. 17) approved by the Site Road Section of the Department of Permitting, Inspections, and Enforcement. A motion was made by Chair Mack and seconded by Board Member Isler to include testimony given at the prior hearing on October 4, 2023. Motion carried 3/0 (Mack, Isler, and Alston).

1. Petitioner William Soto testified that the purpose of the extension is to provide more space for the father-in-law who is disabled. As to the rear fence, a new plan was to be submitted. Exh. 17.

2. Board Member Isler questions the location of the fence. Mr. Soto responded as we indicated that the fence is for the future. It is not going to automatically be constructed with the driveway extension. Exh. 17.

3. Administrator Stone noted that the purpose of the variance request is only for the driveway extension. Site Road Section only approved the driveway extension with a widened apron. The fence is not included in the Site Road approval. Exh. 17.

A motion to approve V-47-23 was made by Chair Mack and seconded by Board Member Isler. Motion carried 3/0 (Mack, Isler, and Alston).

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 variances comply with the applicable standards outlined in Section 27-36913(d), more specifically:

Due to the narrowness of the Petitioner's property and the nature of the (RSF-65) Zone, the Petitioner's property has a varying size, shape, and width that impacted the size of their lot. Furthermore, this zone allows for higher-density single-family residential lots that would necessitate the need for Petitioner to have added parking on his property. Additionally, Petitioner needs to provide a safe and stable driveway and access to the dwelling for the father-in-law who is disabled having severe mobility issues 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 owners of the property. Lastly, Petitioner's neighbors also have parking challenges and will not substantially impair the use and enjoyment of adjacent properties.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Hill and Ms. Johnson absent, that variances of 10 feet lot width at the front building line and a waiver of the parking area location requirement in order to validate an existing condition (lot width at the building line) and obtain a building permit for the proposed driveway extension in the front and side yards on the property located at 6515 Parkway Court, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17.

BOARD OF ZONING APPEALS

By: Bobbie S. Mack
Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By: Ellis Watson
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 (Feb 12, 2024 13:07 EST)

Email: efwatson@co.pg.md.us

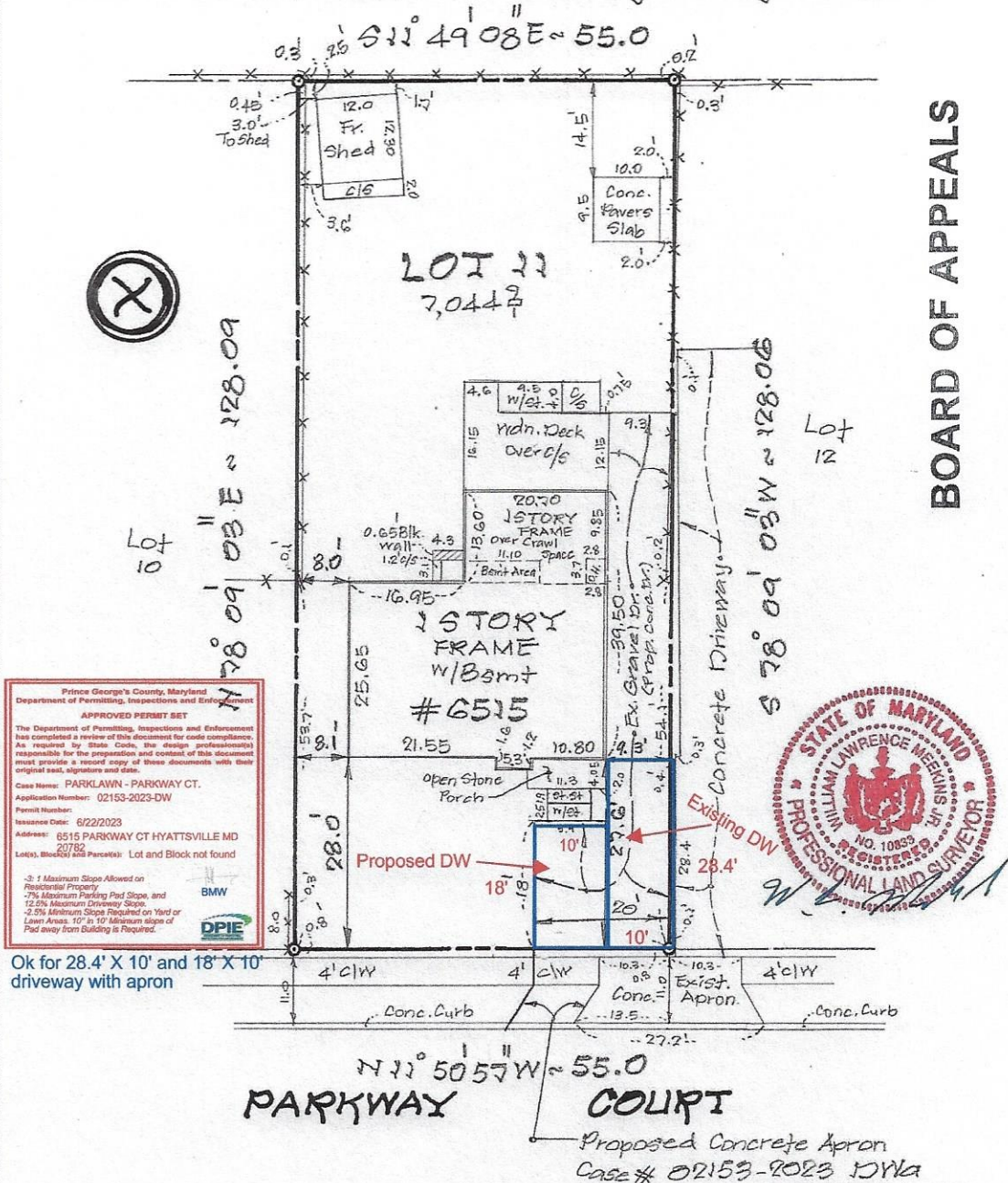
SCALE: 1" = 20'

LOCATION DRAWING

LOT 11, BLOCK "X"
PARKLAWN

PLAT BOOK WWW 24 @ PLAT NO. 33
17TH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MD.

Par. # 46 Board of Education of Prince George's County L.15758 F.322



BOARD OF APPEALS

APPROVED DEC 13 2023

ADMINISTRATOR

SURVEYOR'S CERTIFICATES:

I hereby certify that the position of the existing improvements on the above described property has been established by a field survey and that unless otherwise shown, there are no visible encroachments. Rev. Driveway 21st June 2023 W.L.M.

This location drawing is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing; is NOT to be relied upon for establishment or location of fences, garages, buildings or other existing or future improvements; and does NOT provide for the accurate identification of property boundary lines, but this identification may not be required, for the transfer of title or securing financing or refinancing.

DATE: 9th May 2023 W.L.M.

NOTE: Location drawing does NOT include setting Permanent Survey Markers at property corners.

EXH. # 17
V-47-23

W. L. MEEKINS, INC.

3101 RITCHIE ROAD
FORESTVILLE, MD 20747
TEL: 301-736-7115
email: info@meekins.net
web: www.meekins.net

REGISTRATIONS

MD # 10833, DCLS # 900860

NO TITLE REPORT FURNISHED
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS
OF RECORD OR OTHERWISE.