



# 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-34-23 Henriquez Jose Luis Franco, Etal

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 February 15, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

Barbara J Stone  
Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPCC, 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: Henriquez Jose Luis Franco

Appeal No.: V-34-23

Subject Property: Lot 12, Block D, Riverdale Heights-1<sup>st</sup> Addition Subdivision, being 6211 61<sup>st</sup> Place  
Riverdale, Prince George's County, Maryland

Witness: Mario Benavides, Contractor

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(e)(1) prescribes that a lot shall have a minimum width of 65 feet at the building line, and lot frontage (width) at front street line a minimum width of 52 feet. Section 27-4202(e)(2) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-4202(e)(3) prescribes that each lot shall have a side yard at least 8 feet in width. 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, lot frontage (width) at front street line, side yard width and front yard depth) and obtain a building permit for the construction of a driveway in front of the house. Variances of 15 feet lot width at the building line, 2 feet frontage (width) at front street line, 5 feet front yard depth, 1-foot right side yard width and a waiver of the parking area location requirement are requested.

**Evidence Presented**

1. The property was subdivided in 1919, contains 7,750 square feet, is zoned RSF-65 (Residential, Single-Family-65) and is improved with a single-family dwelling, 4-foot chain link fence, and shed. Exhibits, (Exhs.) 2, 3, 6, 7, 8 and 9 (A) thru (F).

2. The subject property has a unique rectangular shape being long (155 feet) and narrow (50 feet). The road is very narrow and there are other driveways in proximity to the property. Exhs. 2, 3, 6, 7, 8 and 9 (A) thru (F).

3. Petitioner proposes to validate existing conditions (lot width at the building line, lot frontage (width) at front street line, side yard width and front yard depth) and obtain a building permit for the construction of a driveway in front of the house. Variances of 15 feet lot width at the building line, 2 feet frontage (width) at front street line, 5 feet front yard depth, 1-foot right side yard width, and a waiver of the parking area location requirement are requested. Exhs. 2, 3, 6, 7, 8 and 9 (A) thru (F).

4. Petitioner Jose Franco testified that they plan to construct a driveway in front of the house. The need for the driveway is that has a very small sister, and the cars are constantly speeding on the narrow road.

He is very concerned for the safety of his family parking on the street. There is also a problem finding parking spaces on the street. Exhs. 2, 4 (A) thru (G), 8 (A) thru (F) and 9 (A) thru (C).

5. It was noted that the site road approval was granted, and the approved plans were submitted as part of the record. Exh. 2.

6. Board Member Alston questioned the location of the water meters being close to the driveway wings. Administrator Stone noted that Site Road would not have approved the driveway permit if the water meters were too close to the wings of the driveway. Exh. 2.

7. Board Member Isler questioned the shape of the surrounding lots and what the width of the lot is. Administrator Stone noted that the dimensions of the lot are 155 feet in length and 50 feet in width. Exhs. 2 and 3.

8. Petitioner confirmed that the driveway is intended to be a single-wide driveway at 12 feet wide and 18 feet in length. Exh. 2.

9. Chair Mack questioned how far away the driveway would be from the front of the house? Petitioner responded that the distance would be 7 feet. Madam Chair questioned Oceanfront60 what would be located in the 7-foot span? Petitioner stated that they will be planting a garden. Exh. 2.

10. Board Member Isler questioned if a Homeowners Association exists. Petitioner noted that there is no Homeowners Association.

11. Board Member Alston questioned the location of the gas meter on the property. Will there be protection for the gas meter so no car could hit the meter or house? Mario Benavides stated that they can add a curb to stop any vehicle from hitting the gas meter or the house. Mario further stated that the site plan will be revised to add that curb. Exh. 2.

A motion by Board Member Isler was made to hold the record open for a revised site plan demonstrating the curb line at the top of the driveway. The motion was seconded by Chair Mack. The motion carried 4/0.

On September 13, 2023, the Board reviewed and accepted the revised site plan submitted by the petition as Exh. 16.

#### 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

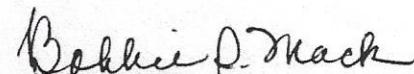
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-3613 (d), more specifically:

Due to the safety of his family parking on a narrow road where vehicles are constantly speeding, the lack of parking in the area, and the driveway would not be out of 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 that was not self-inflicted would result in a peculiar and unusual practical difficulty upon the owner of the property. Furthermore, the only viable option is to build the driveway in Petitioner's front yard due to the rectangular shape of the property and the narrowness of the road. In addition, other properties in Petitioner's neighborhood have similar driveways and it will not substantially impair the use and enjoyment of adjacent properties.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a variances of 15 feet lot width at the building line, 2 feet frontage (width) at front street line, 5 feet front yard depth, 1-foot right side yard width and a waiver of the parking area location requirement in order to validate existing conditions (lot width at the building line, lot frontage (width) at front street line, side yard width and front yard depth) and obtain a building permit for the construction of a driveway in front of the house. on the property located at 6211 61<sup>st</sup> Place, Riverdale, 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 16.

#### BOARD OF ZONING APPEALS

By:



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Bobbie S. Mack, Chairperson

#### Approval for Legal Sufficiency

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 25, 2023 11:39 EDT)

**Email:** [efwatson@co.pg.md.us](mailto:efwatson@co.pg.md.us)

# 61ST PLACE

