



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-59-23 Annabella Jacome de la Cruz

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: January 10, 2024.

CERTIFICATE OF SERVICE

This is to certify that on March 4, 2024, 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: Annabella Jacome de la Cruz

Appeal No.: V-59-23

Subject Property: Lot 10, 36 Block, Lewisdale Subdivision, being 2006 Lewisdale Drive, Hyattsville, Prince George's County, Maryland

Witnesses: Melvin Ramos, Husband

Andrew Ramos Jacome, Son

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

Spanish Interpreter: Ernest Luna

Heard: October 25, 2023; Decided: January 10, 2024

Board Members Present and Voting: Bobbie S. Mack, Chairperson¹

Carl Isler, Vice Chairman

Renee Alston, Member

Board Members 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 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 27-3303 of the Zoning Ordinance, Petitioner requests that the Board approve variances from 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, in the area between the front street line and the sides of the dwelling. Petitioner proposes to obtain a building permit for the new driveway extension in front of the house. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1953, contains 7,685 square feet, is zoned RSF-65 (Residential, Single-Family - 65), and is improved with a single-family dwelling, driveway, and shed. Exhibits (Exhs.) 2, 3, 7, 8, and 9 (A) thru (H).

2. The subject lot has a unique, irregular shape, with the rear yard being 77.7 feet in width and the front line of the lot being 27.10. The right-side lot line angles out to the wider rear yard. Exhs. 2 and 3.

3. Petitioner proposes to obtain a building permit for the new driveway extension in front of the house. A waiver of the parking area location requirement is requested. Exh 2 and 4 (A) thru (I).

4. Petitioner Annabelle Jacome de la Cruz testified that she had already completed and constructed a driveway extension, and all the paperwork was submitted to obtain the permit. Exh 2 and 4 (A) thru (I).

5. Inspector Harrison testified that the driveway was completed; therefore, he may have to get a masonry structural engineer.

¹ Board Members Alston and Johnson were absent for the final vote on January 10, 2024.

6. Madam Chair asked the Petitioner why the driveway was needed. Andrew Ramos Jacome testified that the driveway was necessary because they were parking on the grass prior and were issued a fine. So, to avoid receiving the fine, they added a driveway extension. But they did not know that they needed a permit for it.

7. Madam Chair further questioned the Petitioner that you already have an existing driveway on the left side of the property. Mr. Jacome responded yes. She further requested the Petitioner to explain again for the extension. Mr. Jacome said they did not have enough parking, so they were parking on the grass but were fined.

8. Madam Chair questioned why they could not park on the street. Petitioner Annabelle Jacome responded that there was no parking on the street when they arrived home late in the evening with their children. She was concerned for their safety while walking down the street to their home at night.

9. Administrator Stone questioned if any minor children were residing in the home. Petitioner responded yes; they have two.

10. Board Member Isler questioned how many vehicles the original driveway holds. Petitioner responded three. He further asked how many cars you need to park. Petitioner responded one more. Board Member Isler questioned how many vehicles the extension can hold. The petitioner stated that the extension would only have one car. Board Member Isler noted that the extension looks pretty wide. Board Member Isler continued to ask Administrator Stone if a double apron permit would be needed, given the size of the extension. Administrator Stone noted that they currently only have a single wide apron. More than likely, yes. Looking at the photograph, there are easily two parking spaces located at the extended portion, although it would be two very small spaces with a single parking space of 9.5' x 20'; this extension is 17' x 30'. I would like to defer to Inspector Harrison.

11. Inspector Harrison testified that a bond and apron permits would need to be obtained. And the driveway itself cannot be connected to the walkway to the house. A buffer must be provided between the walkway and the driveway. Violation Notice 38595-2022-0, dated September 28, 2022, was issued. Exh. 6.

12. Administrator Stone questioned for the record; it looks like the concrete driveway runs from the street to behind the house. How far back do they park the cars, and do they use the back concrete area as well? The petitioner stated they only use the driveway to the fence located at the rear of the house. Her husband has a trailer to transport equipment, which is parked at the end of the driveway. Cars cannot go beyond the fence. Exhs. 2 and 4 (A) thru (I).

13. Inspector Harrison stated that if the concrete in the back is connected to the driveway, the Petitioner will also need to obtain a permit for that section as well. Exhs. 2 and 4 (A) thru (I).

14. Administrator Stone noted that the site plan shows the actual end of the driveway as there is a garden or plant area between the house and the end of the driveway. A revised site plan must be submitted to demonstrate the actual dimensions of the driveway extension. Exhs. 2 and 4 (A) thru (I).

15. Board Member Isler noted that the dimensions of the driveway will also change if they have to provide a buffer between the walkway and the driveway.

16. Inspector Harrison noted that the buffer must be grass or something separating the walkway from the driveway. This buffer must be at least 2 feet in width. Exhs. 2 and 4 (A) thru (I).

17. Board Member Isler questioned Inspector Harrison, asking if the Petitioners were to reduce the size of the extension, could the Petitioner avoid having to get a double apron permit? Inspector Harrison, yes, if you are going to enlarge your driveway with a single apron, there is a certain way you must install the concrete. You cannot bring the concrete out to the sidewalk.

18. Administrator Stone noted that more than likely, once the permit goes to the Site Road Section, the site plan will be revised. So, we will need a revised site plan with the Site Road approval stamp.

19. Board Member Alston questioned what the hardship would be if the Petitioners did not get the variance. Administrator Stone noted that the only hardship would be that they would have to remove a portion of the concrete, depending on the Site Road review. Their justification for the extension, if I heard correctly, was that they are having a difficult time finding parking when they get home in the evening and

the fact that they have young children. If I could ask the Petitioner, what is the main reason for the extension?

20. Andrew Jacome stated that they would be able to park on the driveway and not get fined for parking on the grass.

21. Board Member Alston noted that in looking at Exh. 4 (A), the site plan, the driveway is right in front of the house. There does not seem to be any buffer between the house and the driveway. Administrator Stone noted that there is a flower garden and a tree in between the extended driveway and the house. The newer concrete is the driveway extension which they have already constructed and is in front of the house, so they are requesting a waiver of the parking area requirement.

22. Madam Chair stated that we could request car stops. If the Petitioner gives us the actual measurements, we will know exactly what is needed.

23. Administrator Stone questioned if there was a violation issued to the property? Board Member Isler stated, yes. Exh. 5.

24. Board Member Isler questioned the Petitioners as to why are you parking in the grass? Petitioner stated because they could not find parking. When we parked on the grass, they received fines. They were unaware that they needed a permit.

25. Madam Chair reminded the Petitioner that first they must go to Site Road for approved plans and the Board needs the measurement of the driveway to show the flower bed on the site plan. Inspector Harrison noted that they may need to get a permit for the concrete behind the fence in the rear yard. We will also need a buffer between the driveway and the walkway. Exh. 2.

26. Mr. Andrew Jacome questioned Inspector Harrison. Why would they need to get permit for the concrete in the back of the house when it was there when the property was purchased? Inspector Harrison responded that if there has been work done to a property without permits by the previous owner, the new property owner also purchases the violations and must resolve the issue. In looking at the photos, the concrete behind the fence is connected to the driveway, it is all one piece of concrete. If there was some separation there between the concrete in the back and the driveway, you may be able to use it as a patio and even with the patio, if it's over 500 square feet, you still need a permit for it. He further noted that on the site plan, it clearly is noted that the concrete in the back is identified as concrete drive. Because the concrete is all connected, it is part of the driveway. Exhs. 2, 4 (A) thru (I) and 9 (A) thru (H).

A motion to continue this hearing was made by Madam Chair; seconded by Board Member Isler. Motion carried 3/0, (Mack, Isler, and Alston.)

On January 10, 2024, the Board reheard the record as it was continued from October 25, 2023, with the addition of revised site plan.

1. Madam Chair questioned the Petitioner if she was aware that the Site Road site plan was submitted, and if she was aware that a portion of the driveway extension must be removed. Petitioner stated that she was aware that a portion must be removed. Exh. 26.

2. Melvin Jacome stated that they visited Site Roads, and they were advised that we have to remove seven (7) feet of concrete, but we came to the conclusion that this would be a lot of work to do.

3. Madam Chair noted this removal must be done in order to obtain the permit.

4. Melvin Jacome questioned if it were possible to get a more favorable solution to this because removing seven (7) feet of concrete would involve him renting a machine and this would be a considerable expense and it is basically completed.

5. Madam Chair stated that this is why we encourage people to get a permit prior to investing the money.

6. Melvin Jacome stated that he is aware of that, but when he moved into this house, he was told he didn't need a permit. He also spoke to the Real Estate Agent, and he said that he wouldn't need a permit.

7. Madam Chair noted in her findings that is not true.

8. Melvin Jacome further stated that if he had known he needed a permit, he wouldn't have constructed the extension.

9. Inspector Harrison has no comment other than either obtain the permit or remove the extension as required by Site Roads. After 30 days if you have not obtained a permit, the County can issue citations every day that a permit is not obtained.

10. Mr. Jacome stated that he understood Inspector Harrison and that is why he wants to get a permit. He would greatly appreciate if he could remove less concrete. He believes the seven (7) feet is too much.

11. Madam Chair stated that unfortunately, this must be done in order to obtain a permit.

12. Inspector Harrison reiterated that Prince George's County can issue the Petitioner a citation of \$1,000.00 (one thousand dollars) every day that you do not have a permit. If you have an application on file, that application is only good for 6 months and then it expires. To have a permit on file, an inspection within 6 months the permit expires. Exh. 5.

13. Madam Chair wants to make sure that the Petitioner and her husband understand that the permit can only be approved as what the Site Road approved plan demonstrates.

A motion was made by Board Member Hill to Deny this case. Madam Chair called a discussion.

14. Melvin Jacome stated that the area that we have to remove, what should it be replaced with? Inspector Harrison responded that they would have replaced to the original condition which was grass.

Madam Chair, after calling for discussion, made a substitute motion to approve the site plan submitted by Site Roads. The reason being because if we have approved this, they have the right to remove the portion that Site Roads has indicated and if not, they can still be fined for not removing the concrete. Motion to approve seconded by Board Member Isler. Motion to approve carries. 3/0 (Mack, Isler, and Hill)

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 Petitioner constructing an unauthorized driveway extension to provide additional parking space in order to avoid walking their children down the street at night for safety, to avoid being issued tickets for parking in the grass, a portion of the driveway must be removed per Site Road Section approved stamped plans 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. The Board relied upon evidence in the record that adhering to the standards established by Site Road would be the minimum reasonably necessary variance needed to overcome the exceptional physical condition of the Petitioners property. Furthermore, the variance does not substantially impair the use and enjoyment of adjacent properties. Lastly, even though the practical difficulty was self-inflicted by the owner, the Board determined a site plan approved by Site Road would correct this matter.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Alston and Ms. Johnson absent, that a waiver of the parking area location requirement in order to obtain a building permit for the new driveway extension in front of the house on the property located at 2006 Lewisdale Drive, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the waiver is contingent upon development in compliance with the approved revised site plan, Exhibit 16.

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.

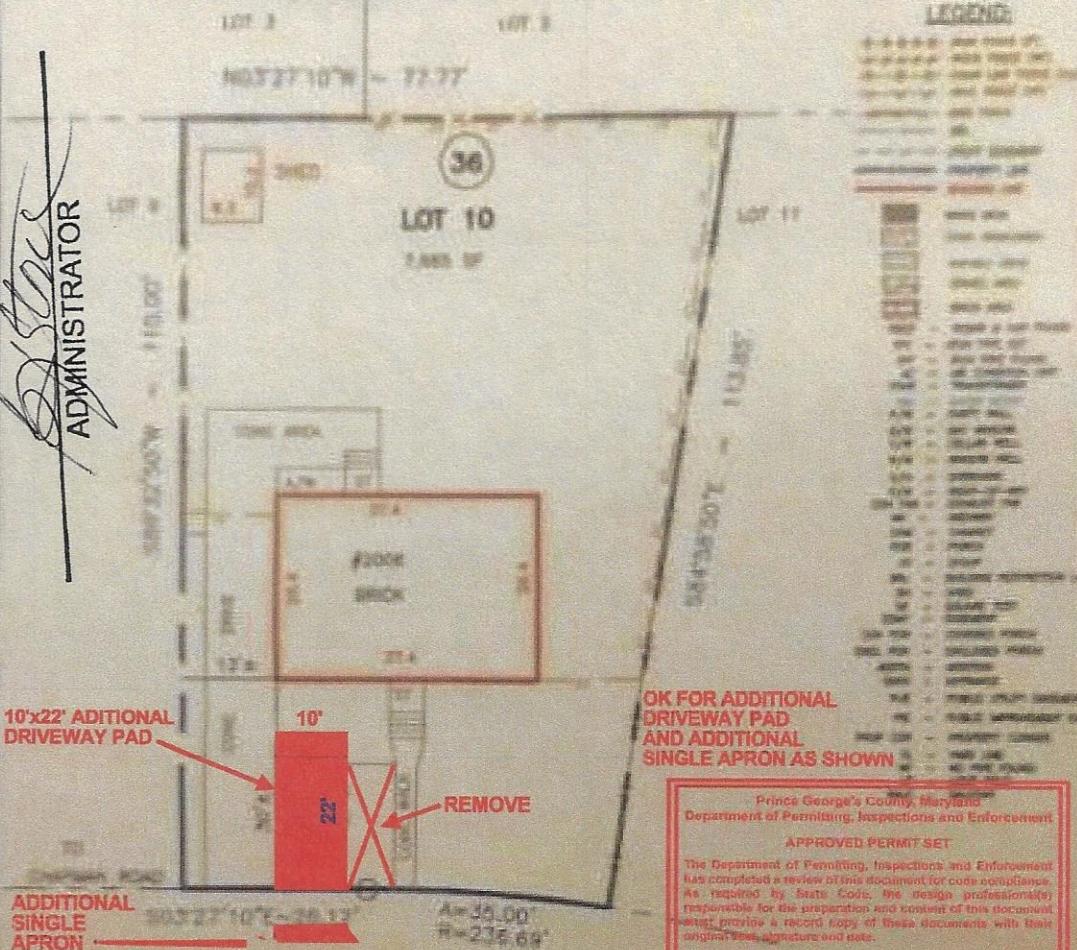
Signature: Ellis F. Watson
Ellis F. Watson (Mar 4, 2024 13:21 EST)

Email: efwatson@co.pg.md.us

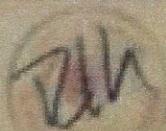
BOARD OF APPEALS

APPROVED NOV 10 2024

John Doe
ADMINISTRATOR



LEWISDALE DRIVE



卷之三

I hereby certify that this statement is based on a fiscal survey made for 2017-2018 by one or myself under my responsibility and to the best of my knowledge, information & belief accurately represents the facts found at the time of survey.

- 1. The drawing is not corrected for the use of the most up-to-date of property lines.
- 2. The drawing is only valid within its limits from the date issued.
- 3. For this reason only.
- 4. The date agreed mentioned in this issue, applies to all measurements and rights of way recorded and can be stated in minutes and hours in record part.
- 5. Many roads cannot be in use. For instance the following roads cannot be used:
a) Roads which have been closed and have been replaced by new roads.
- 6. The date mentioned in this issue, applies to the most up-to-date property lines.
- 7. The date mentioned in this issue, applies to the most up-to-date property lines, roads and boundaries for purposes of property lines, roads, paths, fields, areas, sites and buildings situated outside or immediately adjacent thereto.
- 8. Roads, areas and boundaries are shown as they were at the time of the survey.
- 9. Boundary surveys carried out on common sections of roads, fences, walls, paths and paths are not included in this issue.
- 10. No representations should ever be made, without a location based upon physical evidence.
- 11. Accuracy of this survey is +/- 1.5m.

上卷·西夏卷·西夏文卷

ACETATE 12.107911

LOT 10 BLOCK 1A

LUTHERDALE

ESTATE PLANNING • PLATINUM

THE MUNICIPAL CONTRACT
SINCE ORCHARDS COUNTY, MARYLAND

达摩院发布《2023十大科技趋势》，视觉识别、生成模型、AI芯片等入选

DPIE

ONAL
D
AL
AS SHOWN

Prince George's County, Maryland
Department of Permitting, Inspections and Enforcement

APPROVED PERMIT SET

The Department of Permitting, Inspections and Enforcement has completed a review of this document for code compliance. As required by State Code, the design professional(s) responsible for the preparation and content of this document shall provide a record copy of these documents with their original seal, signature and date.

Case Name: LEWISDALE

Application number: 10840-2023-ENV

Expiry Date: 04/2023

ADDRESS: 2006 LEWISDALE DR HYATTSVILLE MD
20783 LOT 10 BLOCK 36

- 3:1 Maximum Slope Allowed On Residential Property.
- 7% Maximum Parking Pad Slope and 12% Maximum Driveway Slope.
- 2.5% Minimum Slope Required On Yard or Lawn Areas. 10' In 10' Minimum Slope of Pad Away From Building Is Required.

EXH. #

16

V-59-23