



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-93-23 Stephanie and Elizabeth Gabbitas

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: February 21, 2024

CERTIFICATE OF SERVICE

This is to certify that on April 24, 2024, 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 written in cursive ink. It is positioned above a horizontal line.

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

Petitioners: Stephanie & Elizabeth Gabbitas

Appeal No.: V-93-23

Subject Property: Lot 106, Block C, Englewood Subdivision, being 6107 Reed Street, Cheverly,
Prince George's County, Maryland

Witnesses: Funmilayo Oshin, Neighbor
Evan Lipka, Landscaper

Heard and Decided: February 21, 2024

Board Members Present and Voting: Carl Isler, Vice Chairman

Renee Alston, Member

Teia Hill, Member

Board Member Absent: Bobbie Mack, Chairwoman

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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e)(2) of the Zoning Ordinance, which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line, 52 feet measured along the front street line, and a minimum side yard of 8 feet. Petitioners propose to construct a 10' x 33' driveway on RSF-65 (Residential, Single-Family-65) Zoned property known as Lot 106, Block C, Englewood Subdivision, being 6107 Reed Street, Cheverly, Prince Georges County Maryland. Variances of 13.75 feet lot width, 0.75 lot frontage, 1-foot left side yard width, and 1-foot right side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1939, contains 1008 square feet, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling. Exhibits (Exhs.) 1, 2, 3, 4, 5, 7, and 8.
2. Petitioners would like to obtain a building permit to construct a proposed 10' x 33' driveway on their property. Exhs. 1, 2, and 10.
3. The Petitioner, Stephanie Gabbitas, articulated to the Board that her property is on a unique and exceptionally narrow lot. Additionally, she testified that no construction could occur on her property without a variance.
4. Furthermore, the Petitioner, Stephanie Gabbitas, indicated that her neighbor, Ms. Funmilayo Oshin, was there to testify that she agrees with the Petitioners' plans to construct their driveway and move their cars off the road. Lastly, the Petitioner testified that the practical difficulty was not self-inflicted as she purchased the property in its current condition and did not make any additional improvements.
5. Vice-Chairman Isler questioned the Petitioners concerning the height of the proposed retaining wall on their property and if it needed a permit. In response, Evan Lipka, Landscaper, testified that a permit had been obtained and provided the permit number. Exh. 2.

6. Board Administrator Stone asked the Petitioners if the property was in violation of the current gravel driveway. Mr. Lipka, Landscaper, testified that the County only provided a verbal inquiry, and the gravel has been untouched for months.

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 uniqueness of the exceptionally narrow lot, and the manner of this uniqueness that is different from the nature of the surrounding lots, how the particular uniqueness of the specific property causes a zoning provision to impact disproportionately upon the property, the variance being the minimum reasonably necessary to overcome the exceptional physical conditions, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan, the variances do not substantially impairing the use and enjoyment of adjacent properties as provided in a neighbor's testimony, the practical difficulty not being self-inflicted by the owners of the property, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Mack absent, that variances of 13.75 feet lot width, 0.75 feet lot frontage, 1-foot left side yard width, and 1-foot right side yard width in order to

validate existing conditions (lot width, lot frontage, side yard width) and obtain a building permit to construct a proposed 10' x 33' driveway 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: William C. Isler, II
William C. Isler, II (Apr 24, 2024 11:33 EDT)

William Carl Isler, Vice-Chair

Approved for Legal Sufficiency

By: Ellis Watson
Ellis Watson (Apr 24, 2024 12:12 EDT)

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.

