

CORRECTED

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-123-16 Ernesto Sanchez

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: March 8, 2017.

CERTIFICATE OF SERVICE

This is to certify that on April 6, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone
Acting Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Ernesto Luna, Spanish Language Interpreter

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Ernesto Sanchez

Appeal No.: V-123-16

Subject Property: Lot 36, Block 2, Re-subdivision of Highland Park Subdivision, being 1212 Hill Road,
Landover, Prince George's County, Maryland

Spanish Language Interpreter Service: Ernesto Luna

Heard: October 26, 2016; Decided: March 8, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking and Section 27-120.01(c), which 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 and obtain a building permit to complete construction of covered patio and construct a driveway extension. A variance of an additional 18% net lot coverage 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 1975, contains 6,195 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 10 and 11. The existing dwelling was built in 1966. Exh 10.
2. A "slope easement" is in front of the property and a storm drainage easement extends slightly into the front yard on the right side. Exhs. 2 and 22.
3. The Board approved variances in 1975 (Appeal No. 4335) for lot size and lot width, and 1989 (Appeal No. 10101) for lot coverage. Exhs. 6 and 7.
4. Violation Notice BVN 2873-16-0, dated December 3, 2015, was issued to Petitioner by the Department of Permitting, Inspections and Enforcement, requiring that permit(s) for work, including but not limited to an extended gravel driveway, be obtained or the work removed. Exh. 8.
5. Petitioner would like to construct **1' x 21', 4' x 31' and 4' x 26' driveway extensions** and complete construction of a 19' x 20' covered patio, but variances are needed to obtain a building permit. Since the allowed amount of net lot coverage (30%) is already exceeded by existing development, and construction of

the driveway extensions would cause further overage, a variance of an additional 18% net lot coverage was requested. Exhs. 2, 3 (a) thru (b), 5 (A) thru (B), 6, 7, 13 and 14.

6. Since a portion of Petitioner's existing driveway is, and the proposed driveway extension will be, located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was also requested. Exhs. 2, 3 (a) thru (b), 5 (A) thru (B) and 14.

7. Petitioner testified that rain water is seeping into his basement from the foundation. He explained that he laid concrete along the front (driveway extension, 14' x 5') and side of the house (driveway extension, 10' x 52') to seal the foundation from the rain water. Exh. 2.

8. He further testified that the water runoff now runs toward the street. Exh. 2.

9. Petitioner testified that parking is prohibited on Hill Road. He explained that, as such, since he was laying concrete to seal the foundation, he would like to extend the existing driveway for his family. Exhs. 3 (a) thru (b), 5 (A) thru (B) and 22.

10. Mr. Sanchez stated he would like to complete the construction of a covered porch in the rear of the home. Exhs. 2 and 3 (a) thru (b).

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to rain water seeping into the basement, completing an existing covered porch 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.

BE IT THEREFORE RESOLVED, unanimously, that a variance of an additional 18% net lot coverage and a waiver of the parking area location requirement in order to validate existing conditions and obtain a building permit to complete construction of a 19' x 20' covered patio and **construct 1' x 21', 4' x 31' and 4' x 26' driveway extensions**, part of which is in the front yard, on the property located at Lot 36, Block 2, Re-subdivision of Highland Park Subdivision, being 1212 Hill Road, Landover, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 22.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

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 27-233(a) 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.