



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-21-21 Amilcar Mendez

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: July 14, 2021.

CERTIFICATE OF SERVICE

This is to certify that on August 31, 2021, 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: Amilcar D. Mendez

Appeal No.: V-21-21

Subject Property: Lot 19, Block N, Calverton Subdivision, being 13220 Ingleside Drive, Beltsville, Prince George's County, Maryland

Heard and Decided: July 14, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Absent
Albert C. Scott, Vice Chairman - Present
Anastasia T. Johnson, Member - Present

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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 9,500 square feet. Section 27-442(e)(Table IV) of the Zoning Ordinance, prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to validate existing conditions, (net lot area and accessory building (shed)) and obtain a building permit for the extension to the existing carport. Variances of 325 square feet net lot area, 2 feet side yard width and 2 feet rear lot line setback for an accessory building (shed) are requested.

Evidence Presented

1. The property was subdivided in 1963, contains 9,175 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, carport, driveway and shed. Exhibits (Exhs.) 3, 4, 7, 8 and 9 (A) thru (F).

2. The subject property is irregular in shape being 118.61 feet wide at the front property line and only 42.53 wide in the rear. Exhs. 3, 4, 7, 8 and 9 (A) thru (F).

3. Petitioner proposes to validate certain existing conditions (net lot area and accessory building (shed)) and obtain a building permit for the extension to the existing carport. The current net lot area of 9,175 is less than the required minimum net lot area of 9,500 square feet, requiring a variance of 325 square feet. The shed is lacking the 2-foot rear and side yard setbacks, requiring variances of 2 feet side and rear yards to validate its existing condition. Exhs. 3, 4, 7, 8 and 9 (A) thru (F).

4. Petitioner Amilcar Mendez testified that he is confined to a wheelchair, having lost both his lower limbs from an accident occurring 17 months ago. He has already added handicapped accessible features in his home and built an accessible handicapped ramp from his kitchen to his current carport.

5. He is requesting permission to construct an extension of the carport. Having the extension will allow him to safely access his vehicle and house out of the weather. Exhs. 2, 3, 5 (A) thru (M) and 14 (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

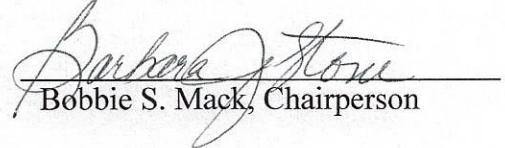
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the triangular shape of the lot adversely affecting the location of the shed and the minimum net lot size, Petitioner's confinement to a wheelchair, the need for an extended carport cover for safe and weather protective accessibility to his vehicle 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, by majority vote, Ms. Bobbie Mack absent, that variances of 325 square feet net lot area, 2 feet side yard width and 2 feet rear lot line setback for an accessory building (shed) in order to validate existing conditions, (net lot area and accessory building (shed)) and obtain a building permit for the extension to the existing carport on the property located at 13220 Ingleside Drive, Beltsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exh. 3 and approved elevations Exh. 14 (a) and (b).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, ChairpersonNOTICE

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.

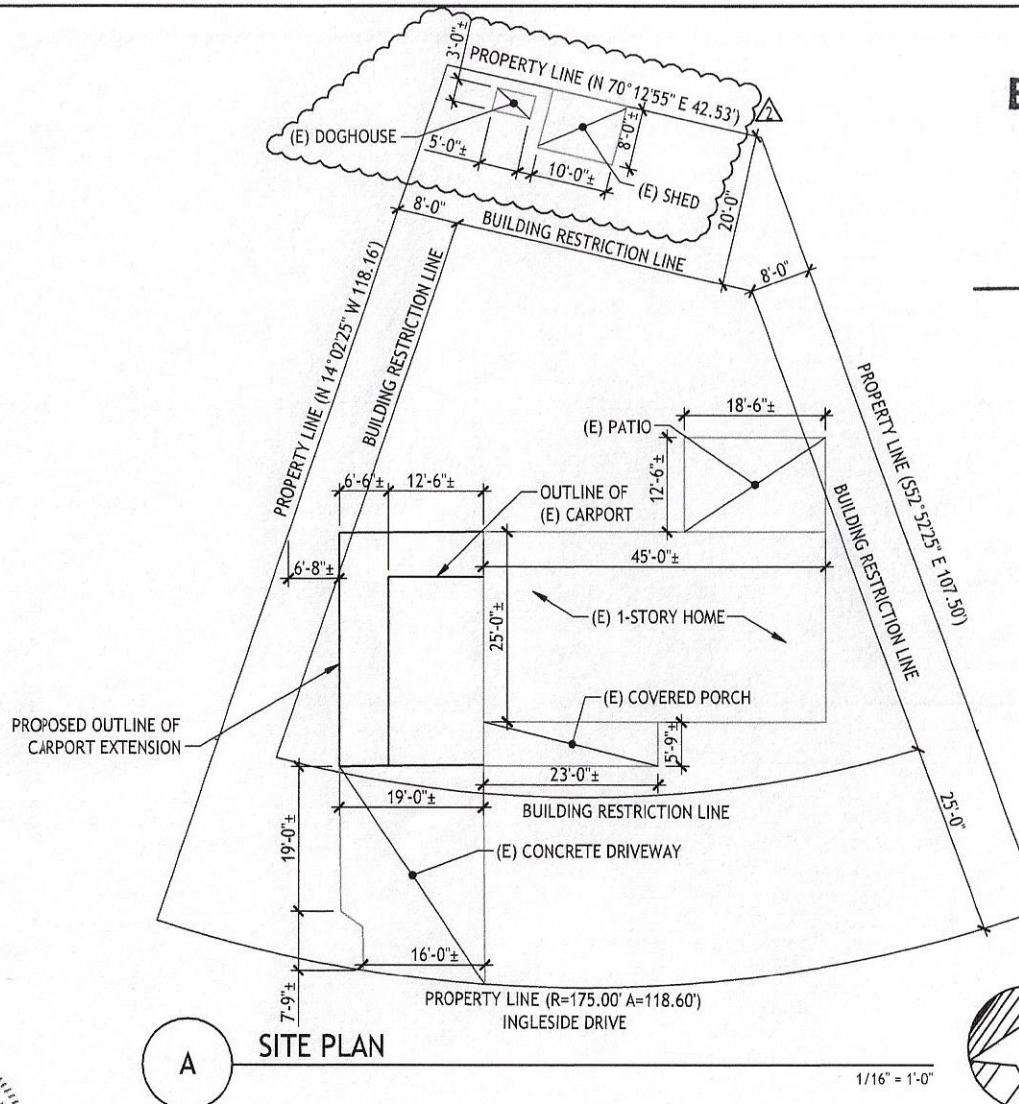
Further, Section 27-233(a) of the Prince George's County Code states:

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.

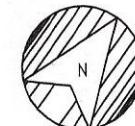
BOARD OF APPEALS

APPROVED JUL 14 2021

B. Stone
ADMINISTRATOR



EXH. # **3**
V-21-21



PERMIT COMMENT REVISION #2

04/20/2021



PERMIT COMMENT REVISION #1

03/24/2021



CONSULTANT:
TEC
 Tarantino Engineering
 Consultants, PC
 8115 Maple Lawn Blvd,
 Suite 350
 Fulton, MD 20759
 410-921-7678
www.tarantinotec.com

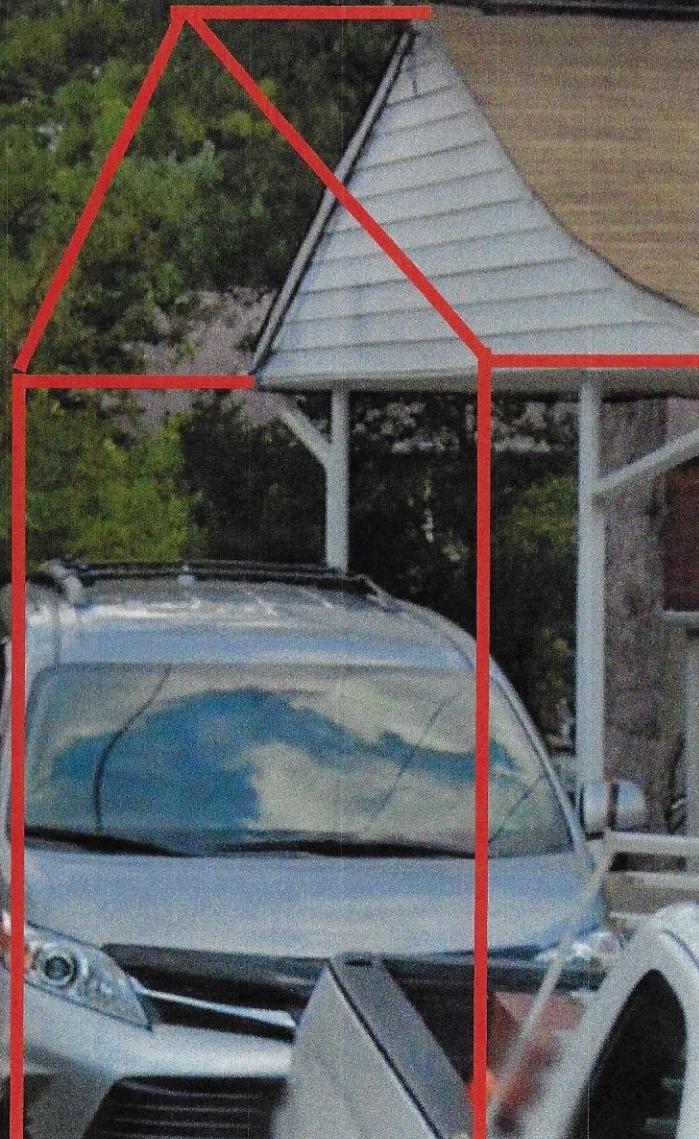
20-247-AMI-00 PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
 BRIAN TARANTINO, LICENSE NO. 24871
 EXPIRATION DATE: 2/28/2022

13220 INGLESIDE DR,
 BELTSVILLE, MD 20705

PROJECT TITLE:
MENDEZ CARPORT
 SHEET TITLE:
SITE PLAN

DATE: 01/15/2021
 SCALE: AS SHOWN
 SHEET NO.: S-0.3



6' 6" carport extension to allow handicapped homeowner to offload out of his vehicle under cover – after worker's compensation claim settlement required installation of handicap ramp in carport area.

- All elevations to match existing
- Existing carport support to be removed and relocated as indicated
- 30" deep x 18" diameter post footing as indicated on structural detail

APPEALS

JUL 14 2021

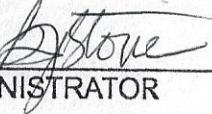
D. Stone
ADMINISTRATOR

(a)

EXH. # 14(a&b)
V-21-21

BOARD OF APPEALS

APPROVED JUL 14 2021


Administrator

