



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-27-21 Juan Segovia Chicas

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 12, 2022

CERTIFICATE OF SERVICE

This is to certify that on July 7, 2022, 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". Below the signature, the name "Barbara J. Stone" is printed in a standard black font, followed by the title "Administrator" in a smaller font.

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: Juan Segovia Chicas

Appeal No.: V-27-21

Subject Property: Lot 13, Block 24, Berwyn Heights Subdivision, being 5803 Seminole Street, Berwyn Heights, Prince George's County, Maryland

Municipality: Berwyn Heights

Witness: Maklin Vaquerano, Permit Service

Hollyce Goodwin, Director, Code Compliance Department, Town of Berwyn Heights

Heard: July 14, 2021; Decided: January 12, 2022

Spanish Language Interpreter: Ernesto Luna

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 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to validate an existing condition (side yard width) and obtain a building permit for the construction of a driveway in front of the house. A variance of 2 feet side yard width and a waiver of the parking area location requirement is requested.

Evidence Presented

1. The property was subdivided in 1888, contains 5,950 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, shed, rear porch and driveway. Exhibits (Exhs.) 2, 4, 7, 8, and 9 (A) thru (G).

2. Petitioner proposes to validate an existing condition (side yard width) and obtain a building permit for the construction of a driveway in front of the house. Due to the home being built in 1964, the side yard setback was not met. A variance of 2 feet side yard width is required. The new parking area is being located in the front of the dwelling; therefore, a waiver of the parking area location is required. Exhs. 2, 4, 7, 8, and 9 (A) thru (G).

3. Mr. Maklin Vaquerano testified that the proposal is to construct a driveway in front of his house, but on the right side of the property, because there is no suitable parking space for vehicles available on either side of his house. Exh. 2.

4. Mr. Vaquerano stated there was an existing driveway (which has been demolished). It was located on the left property line and shared with his neighbor at 5805 Seminole Street. Exh. 2.

5. A telephone pole exists on the right front corner of the subject property. The new driveway has to be located at least 5 feet from the telephone pole.¹ Exh. 2.

¹ DPW& T Standard - 500.12- A five (5) foot horizontal clearance is required between any proposed utility-pole mounted street light and the underground storm drainage system.

6. The proposed driveway will be 13.75 feet in width x 23.6 feet in length and have a walkway in front of the steps. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (W).

7. Mr. Vaquerano explained that the demolished driveway was not a standard size parking space; one car could not fit in his portion of that shared drive area. He stated that the new driveway will be regulation size² for a residential parking space. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (W).

8. Ms. Hollyce Goodwin testified that Mr. Chicas has not yet applied with the Town of Berwyn Heights for the required building permit for the proposed driveway and right-of-way permit for the apron. Exhs. 14 and 18.

9. The Town of Berwyn Heights has subsequently voted in support of the variance and waiver requests. Exh. 20.

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

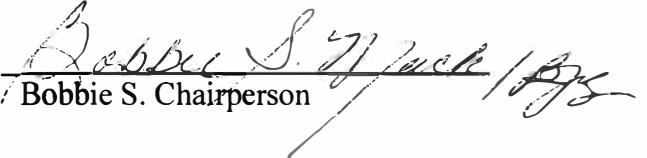
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the original driveway being a shared driveway with a neighbor, the original parking space /driveway was not able to accommodate current vehicles. The need for an adequate size driveway for one car, the location of a telephone pole on the right side of the property 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 2 feet side yard width and a waiver of the parking area location requirement in order to validate an existing condition (side yard width) and obtain a building permit for the construction of a driveway in front of the house on the property located at 5803 Seminole Street, Berwyn Heights, 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, Exhibit 2 and approved elevation plan, Exhibit 3 (a).

² Sec. 27-558. - Parking space sizes. The minimum size in feet is 9.5' x 19' for a single-family dwelling. In addition, Sec. 23-139. - Driveway entrance. (1) Residential Driveway Entrances. The required width of the apron shall be not less than ten (10) feet. Widths may be required to correspond to the width of the driveway or parking pad, including any garage, carport, or open parking pad within twenty-five (25) feet of the street right-of-way line, but, generally, shall not be wider than twenty (20) feet.

BOARD OF ZONING APPEALS

By: 
Bobbie S. Yacke / BSY
Bobbie S. 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.

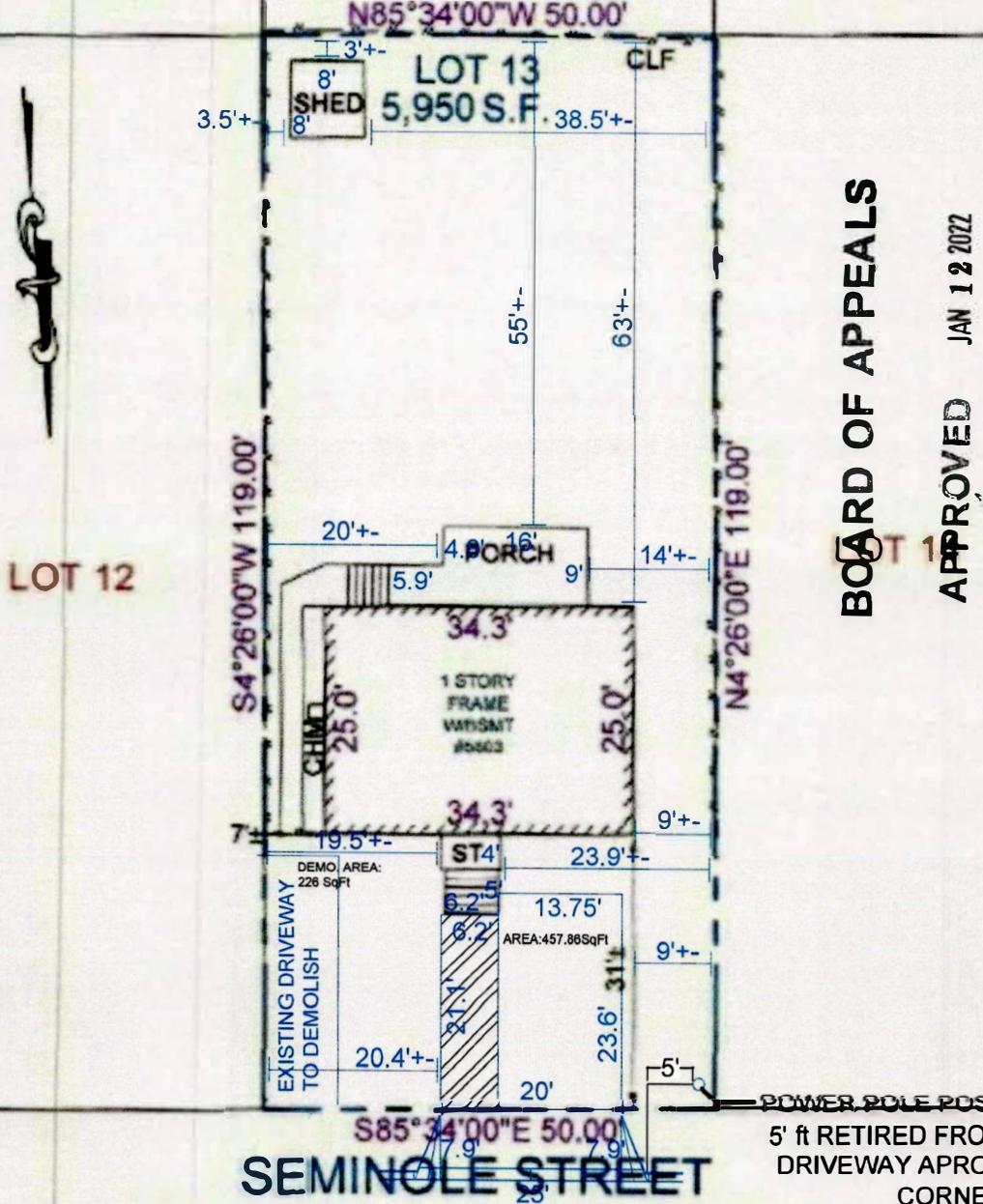
LOCATION DRAWING

ADDRESS: 5803 SEMINOLE STREET

LOT 27

LOT 28

LOT 29



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, UNLESS OTHERWISE NOTED. WE ASSUME NO RESPONSIBILITY OR LIABILITY FOR ANY BOUNDARY OF WAYS ON THE RECORD OR CASEMENT'S RECORDED OR UNRECORDED, OR PERTAINING ON THE RECORDED PLAT OR MENTIONED IN THE DEED REFERRED TO HEREON, AND TITLE REPORT NOT FURNISHED.



PROFESSIONAL SEAL

10/26/2010

DATE

LAND PRO ASSOCIATES, LLC.

6843 GREENBELT ROAD SUITE 334
LAUREL, MD 20709
PHONE 301-388-1844
FAX 301-794-8701
LANDPROASSOC.COM

LOCATION DRAWING
CHARLTON HEIGHTS
LOT 13 BLOCK 24
BOOK 42897 PAGE 320
PLAT BOOK 52054

PRINCE GEORGE'S COUNTY, MARYLAND
SCALE 1" = 20'

DATE 10/26/2010

EXH. # 2
V-27-21

FILE: 5803 SEMINOLE ST

CASE # 0

BUILDING CODES:

INTERNATIONAL RESIDENTIAL CODE (IRC) - 2015 EDITION STATE AND VAUSBC 2015.

CONCRETE

ALL CONCRETE FOR FOOTINGS, FOUNDATION WALLS, RETAINING WALLS, AND FLOOR SLABS ON GRADE SHALL ATTAIN A MINIMUM 28-DAY ULTIMATE COMPRESSIVE STRENGTH AS FOLLOWS:
 FOOTINGS : 3,000 PSI
 SLABS : 3,000 PSI SLAB EXPOSED TO WEATHER : 3,500 PSI
 ALL CONCRETE EXPOSED TO THE WEATHER AND SUBJECT TO FREEZING AND THAWING DURING CONSTRUCTION SHALL BE AIR ENTRAINED. THE TOTAL AIR CONTENT (PERCENT BY VOLUME OF CONCRETE) SHALL NOT BE LESS THAN 5 PERCENT (5%) OR MORE THAN 7 PERCENT (7%)

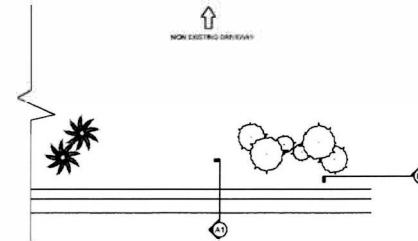
FOUNDATIONS & FOUNDATION WALLS

MINIMUM SOIL BEARING SHALL BE 1500 PSF, WITH A MINIMUM 30" FROST DEPTH OR TO BEARING SOIL WHICHEVER IS GREATER

SLAB ON GRADE, SHALL BE MINIMUM 4" THICK CONCRETE SLAB REINFORCED W/ 6" x 6" - W14xW14 WELDED WIRE FABRIC (W.W.F) OVER 6 MIL VAPOR BARRIER, OVER 4" CRUSHED STONE OR WASHED GRAVEL CONCRETE SLABS ON EARTH FILL SHALL BE PLACED ONLY ON FILL COMPACTED IN 6" LAYERS TO ATLEAST 95% OF THE MAXIMUM DENSITY AS DETERMINED BY ASTM D- 698

GENERAL DEMOLITION NOTES

- EVERY CARE SHALL BE TAKEN DURING DEMOLITION TO PROTECT THE HOUSE BY MEANS OF TEMPORARY SUPPORTS AND BRACES AS NECESSARY TO PREVENT ANY STRUCTURAL FAILURE DURING REMOVAL AND REPLACEMENT OF EXISTING STRUCTURAL MEMBERS.
- TEMPORARY WALLS AND DUST BARRIERS SHALL BE INSTALLED AS NECESSARY TO PREVENT CIRCULATION OF DIRT AND DUST INTO PORTIONS OF THE HOUSE THAT ARE NOT PART OF THE WORK.
- CONDUCT ALL DEMOLITION OPERATIONS IN COMPLIANCE WITH APPLICABLE CODES AND ORDINANCES.
- COORDINATE DEMOLITION WITH WORK OF SUBCONTRACTORS
- MAINTAIN THE EXISTING STRUCTURE IN A WATERTIGHT CONDITION AT ALL TIMES.
- RELOCATE/ REMOVE ANY EXISTING GAS, ELECTRICAL, PLUMBING LINES, ETC. IN CONFLICT WITH NEW WORK.
- SEE STRUCTURAL SHEETS FOR ADDITIONAL INFORMATION.
- RE-ROUTE VENTS, FLUES, EXHAUST, ETC. AS RECD.
- REMOVE LANDSCAPING AS REQUIRED.

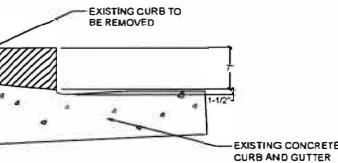


EXISTING PLAN
1/4" = 1'-0"

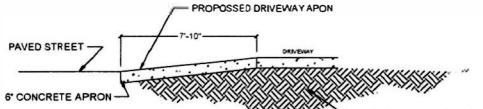
BOARD OF APPEALS

APPROVED JAN 12 2022

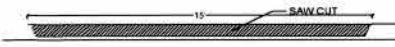
Dr. Stone
ADMINISTRATOR



(A1) SAW CUTTING DETAIL
NOT ON SCALE



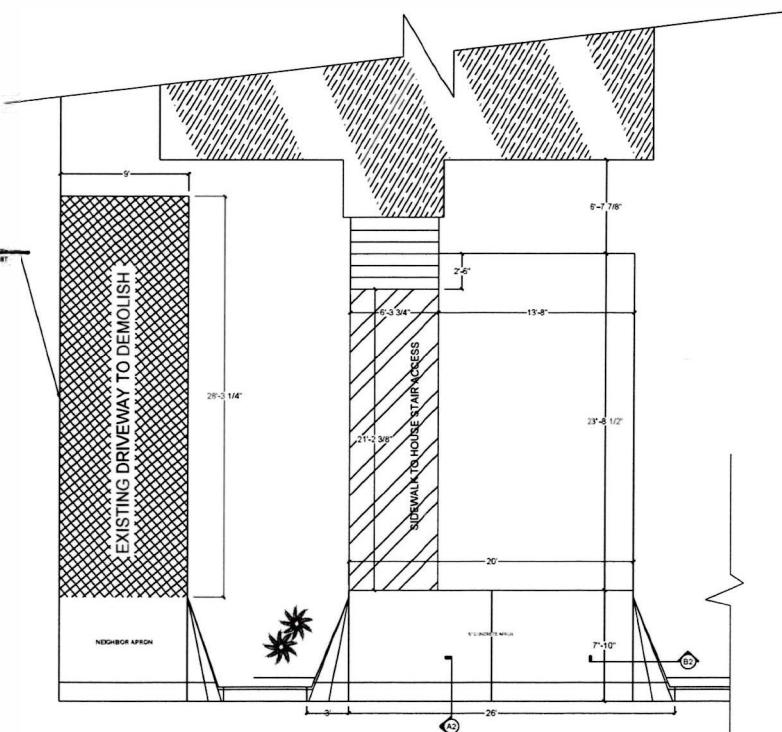
(A2) PROPOSED DRIVEWAY APRON SECTION DETAIL
NOT ON SCALE



(B1) SAW CUT DETAIL
NOT ON SCALE



(B2) CONCRETE SLAB DETAIL
NOT ON SCALE



PROPOSED PLAN
1/4" = 1'-0"

EXH. # 3(a-b)
V-27-21

324 Gambrills Rd,
Gambrills MD, 21054

Email: maklinc01@gmail.com
www.maklinc.com

PROPERTY
JUAN
SEGOVIA
CHICAS

Address:

5803 SEMINOLE ST
COLLEGE PARK MD
20740

EXISTING/PROPOSED
ARQUITECTURAL/
STRUCTURAL
PLANS

Project number	Project number
Date	Issue Date
Drawn by	Author
Checked by	Checker

G-001

Scale 1/4" = 1'-0"