



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

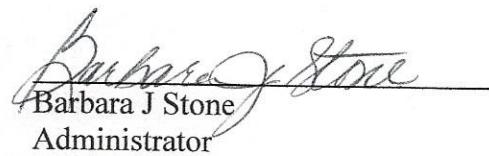
OF BOARD OF APPEALS

RE: Case No. V-29-21 Juan Lopez

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 28, 2021.

CERTIFICATE OF SERVICE

This is to certify that on November 15, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
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: Juan Lopez

Appeal No.: V-29-21

Subject Property: Lot 91, Block 2, Palmer Park Subdivision, being 7616 Burnside Road, Landover,
Prince George's County, Maryland

Witness: Maklin Vaquerano, Permit Runner

Spanish Language Interpreter: Ernesto Luna

Heard: July 14, 2021; Decided: July 28, 2021

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

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. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioner proposes to validate existing conditions-(net lot coverage and accessory building (shed)) and obtain a building permit for the unauthorized construction of a driveway. Variances of 1-foot side lot line setback for an accessory building (shed) and 16.5% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1957, contains 3,390 square feet, is zoned R-20 (One-Family Triple-attached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 6, 7, 8 and 9 (A) thru (F).
2. Petitioner proposes to validate existing conditions (net lot coverage and accessory building (shed)) and obtain a building permit for the unauthorized construction of a driveway. The addition of the driveway has created an overage of lot coverage. The existing shed was constructed only 1 foot from the right-side property line. Accessory buildings must be setback 2 feet from the side property line. Exhs. 2, 4, 6, 7, 8 and 9 (A) thru (F).
3. Mr. Vaguerano testified that a permit (53356-2020-00) was issued to install a 10' x 25 'driveway from the street line to the front house line, but the contractor erroneously extended the driveway past the rear of the house connecting to the shed (in the far rear corner of the lot). He explained that the contractor did not wait for Mr. Vaguerano to provide the approved building plans for the construction. Exhs. 2, 5 (A) thru (X) and 6.
4. The contractor constructed a driveway at approximately 87 feet in length and 15 feet in width. Exhs. 2 and 5 (A) thru (X).

5. Mr. Vaguerano testified that he will not be able to apply for the final inspection as the driveway does not match the approved building plans.

6. The variances were requested to correct the situation.

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

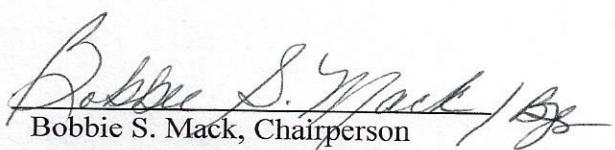
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances do not comply with the applicable standards set forth in Section 27-230, more specifically:

1. There is no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property related to the lot or need for the elongated driveway.
2. Petitioner testified that the contractor erroneously constructed an extension of the driveway that does not comply with the approved building permit, which does not constitute a basis for the granting of the requested variances.
3. Because the conditions of the property are ordinary and there is no extraordinary situation or condition, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, variances of 1-foot right side lot line setback for an accessory building (shed) and 16.5% net lot coverage to validate these existing conditions and obtain a building permit for the unauthorized construction of a driveway on the property located at 7616 Burnside Road, Landover, Prince George's County, Maryland, be and is hereby DENIED.

BOARD OF ZONING APPEALS

By:


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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.