



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

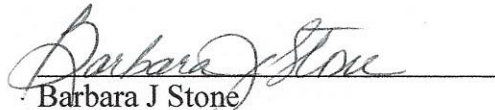
OF BOARD OF APPEALS

RE: Case No. V-33-21 Juan and Karol 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: June 23, 2021.

CERTIFICATE OF SERVICE

This is to certify that on _____, 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

Petitioners: Juan and Karol Sanchez

Appeal No.: V-33-21

Subject Property: Lot 1, Block A, Radiant Valley Subdivision, being 6808 Standish Drive, Hyattsville,
Prince George's County, Maryland

Counsel for Petitioner: Jacqueline P. Byrd-Tillman, Esq.

Witnesses: Yusara Sanchez, Daughter

Certified Spanish Language Interpreter: Ruben Sotogomez

Heard: June 9, 2021; Decided: June 23, 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, Petitioners request that the Board approve a variance from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width 45 feet measured along the front street line. Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposed to validate existing conditions (front street line width and side yard setback) and obtain a building permit for the unauthorized construction of a carport with roof overhang. Variances of 2 feet front street line width and 8 feet side yard width were requested.¹

Evidence Presented

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

1. The property was subdivided in 1947, contains 6,600 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling, carport (covered porch), driveway, block patio and shed. Exhibits (Exhs.) 2, 4, 7, (A) thru (G), 11 and 12.
2. The subject property is located on a corner lot. Exhs. 2 and 4.
3. On August 19, 2020, the Department of Permitting, Inspections and Enforcement issued a Violation Notice, BVN-34133-2020, to Petitioners to obtain required building permits for the carport. Exh. 6.
4. Petitioners proposes to validate existing conditions (front street line width and side yard width) and obtain a building permit for the unauthorized construction of a carport (covered porch) with roof overhang. Because the property was subdivided in 1947 and the dwelling location does not meet the current zoning standards of 45-foot street line width, a variance of 2 feet front street line width is required. The

¹ In V-33-21, the Hearing Notice publicized the need for Lot Coverage. It has been determined that a variance for Net Lot Coverage is unnecessary.

location of the carport does not meet the side yard width of 8 feet as the construction extends to the right-side yard line. A variance of 8 feet side yard width is required. Exhs. 2, 4, 7, (A) thru (G), 11 and 12.

5. The water flow from the carport /overhang was an issue raised by the Board because its immediate proximity to the neighbor's fence and side yard lot line.

6. Petitioner Karole Sanchez testified that the "carport" is actually a covered porch and is not intended for park cars. She stated that because the carport it is not wide enough to park car, instead, it is used as a covered porch. She stated that the purposes of this area are to store the children's bicycles, to grill and for family enjoyment. Exhs. 2, 4, 7, (A) thru (G), 11 and 12.

7. She explained that a covered porch could not be located in the rear yard because of a hill. Exhs. 2, 4, 7, (A) thru (G), 11 and 12.

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of c 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 does not comply with the applicable standards set forth in Section 27-230, more specifically:

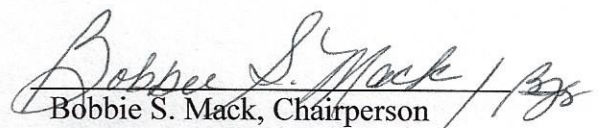
1. The Board finds that Petitioner's lot has exceptional narrowness, shallowness, shape, or other extraordinary situation or condition. And does take note that the rear of the property is sloped. The Board, however, finds that the location of the carport/covered porch, with its overhang, is in immediate proximity of the neighbor's fence line and is problematic. It has the potential of causing future unsafe water drainage issues and spreading fire from the grill to the dwelling as well as the adjoining property.

2. Because of the above analysis, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that variances of 2 feet front street line width and 8 feet side yard width in order to validate existing conditions (front street line width, side yard width) and obtain a building permit for the unauthorized construction of a carport with roof overhang on the property located at 6808 Standish Drive, Hyattsville, Prince George's County, Maryland, be and are 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.