



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-81-21 Lamonte Ginyard

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: October 20, 2021.

CERTIFICATE OF SERVICE

This is to certify that on December 20, 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: Lamonte Ginyard

Appeal No.: V-81-21

Subject Property: Lot 5, Block K, Glassmanor Subdivision, being 708 Neptune Avenue, Oxon Hill,
Prince George's County, Maryland

Witness: Shenel Lewis, Petitioner's Fiancé

Heard: August 25, 2021; Decided: October 20, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

Board Member Absent: 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 27-120.01(c) 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 is requesting to validate an existing condition (net lot coverage) and obtain a building permit for the construction of a driveway in front of the house. A variance of 6.9% net lot coverage and a waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1952, contains 2,036 square feet, is zoned R-20 (One-Family-Attached Residential) and is improved with a single-family dwelling and deck. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).
2. The subject property is long and narrow with measurement of 18 feet wide and 113 feet long. The dwelling is an interior unit in a group of three homes. Exhs. 2, 3, 6, 7 and 8 (A) thru (F).
3. The Petitioner is proposing to validate an existing condition (net lot coverage) and obtain a building permit for the construction of a driveway in front of the house. Due to the proposed driveway, the total net lot coverage is over the maximum allowable 30% (being 36.9%). A variance of 6.9% is required. Because the driveway is located in front of the dwelling, a waiver of the parking area location is required. Exhs. 2, 3, 6, 7 and 8 (A) thru (F).
4. Petitioner Lamonte Ginyard testified that they wish to add a driveway to the front yard. There are other homes in the community that have driveways. Including the center units. Exhs. 2, 4 (A) thru (F) and 9 (A) thru (B).
5. Ms. Shenel Lewis stated that the area is considered zone parking. With residents owning multiple cars (5-6 cars), many times it leaves homeowners with no parking spaces, having to park down the street. With two young children, (10 months old and a 7-year-old) it makes it very difficult and dangerous when we have to cross the street. Cars do not slow down. In addition to the parking problem, Ms. Shenel Lewis

further stated that she has a medical handicap and cannot walk any distance. She has submitted a redacted medical confirmation from her physician stating that walking would further her disability. Exhs. 2, 4 (A) thru (F), 9 (A) thru (B) and 16.

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

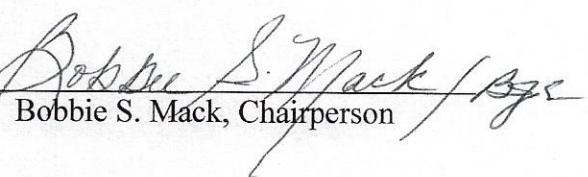
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the Petitioner having a mobility handicap, Petitioner providing physicians letter (redacted) to confirm her mobility issue, 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. Anastasia Johnson absent, that a variance of 6.9% net lot coverage and a waiver of the parking area location requirement order to validate an existing condition (net lot coverage) and obtain a building permit for the construction of a driveway in front of the house on the property located at 708 Neptune Avenue, Oxon Hill, 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.

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 27-233(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.



P.8 30

N70°10'45"E
18.00"

MAC PARKING

Site plan for **LOT 5** (2,036 sf) with the following details:

- Address:** N19°58'20"W 113.18'
- Lot Number:** #708
- Building Type:** 2 STORY BRICK W/ BSMT
- Dimensions:** 18.0' wide by 25.4' deep
- Exterior Features:** WALK, DECK, PARTY WALL, SATELLITE DISH, SPEED LIMIT SIGN, WATER METER
- Orientation:** S70°01'40"W 18.00'
- Landmarks:** C6, C5, C4, C3
- Annotations:** 3.5' min. to the prop., in away from property line, 113.18'

NEPTUNE AVENUE

THE LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES IS

15

LOCATION DRAWING OF:
#708 NEPTUNE AVENUE
LOT 5
BLOCK K
GLASSMANOR
PLAT BOOK 20, PLAT 76
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1"=20' DATE: 06-08-2021
DRAWN BY: WW FILE #: 216370-2



SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THE DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 04.13.B OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE, SECURING FINANCING OR REFINANCING, OR THAT IT IS NOT BENEFIT TO A CONSUMER ONLY IF ALSO IS IT REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY. IT IS AN ACCURATE SURVEY OF THE UNCONDEMNATED TRANSFER, FINANCING OR REFINANCING OF THE PROPERTY. NO TITLE REPORT WAS FURNISHED TO ME CONCERNING THIS PROPERTY. THE PROPERTY LINE, RESTRICTIONS AND EASEMENTS OF RECORD, BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

LEGEND

FENCE
 SE - BASEMENT ENTRANCE
 BW - BAY WINDOW
 BR - BRICK
 BRL - BLDG. RESTRICTION LINE
 BMT - BASEMENT
 C - CONCRETE
 CCON - CONCRETE
 DW - DRIVEWAY
 EX - EXISTING
 FR - FRAME
 MAC - MACADAM
 G - GATE
 OH - OVERHANG
 PUE - PUBLIC UTILITY ESMT
 PIM - PUBLIC IMPROVEMENT ESMT
COLOR KEY:
 (RED) - RECORD INFORMATION
 (BLUE) - IMPROVEMENTS

COLOR KEY:

RECORD INFORMATION

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14604 Elm Street, Upper Marlboro, MD 20772

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YEAR FROM THE DATE
OF THIS SURVEY.