



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

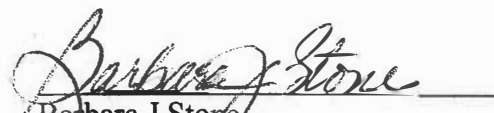
OF BOARD OF APPEALS

RE: Case No. V-111-21 Darlin Ramos

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: December 15, 2021.

CERTIFICATE OF SERVICE

This is to certify that on June 1, 2022 , 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: Darlin Ramos

Appeal No.: V-111-21

Subject Property: Lot, 69, Block C, Palmer Park Subdivision, being 7628 Oxman Road, Hyattsville,
Prince George's County, Maryland

Witness: Jhon Diaz, Permit Expeditor

Heard and Decided: December 15, 2021

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 front yard at least 25 feet in depth. Petitioner proposes to validate existing conditions (front yard depth, net lot coverage and waiver of the parking area) and obtain a building permit for the driveway partially located in front of the house and for the unauthorized construction of a porch. Variances of 6 feet front yard depth, 9.4% net lot coverage and a waiver of the parking area location requirement is requested.

Evidence Presented

1. The property was subdivided in 1954, contains 3,675 square feet, is zoned R-35 (One Family Semidetached) and is improved with a single-family dwelling, driveway, and two sheds. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (H).

2. Petitioner proposes to validate existing conditions (front yard depth, net lot coverage and waiver of the parking area) and obtain building permit(s) for the driveway partially located in front of the house and for the unauthorized construction of a porch. Exhs. 2, 4, 7, 8 and 9 (A) thru (H).

3. A drainage easement exists on the right side of the property. Exh. 2.

4. Mr. Jhon Diaz testified that the Petitioner is requesting a 25' x 10' porch connected to the rear of the house which will be a covered area (but not screened).

5. He stated that the partially front yard driveway existed when she purchased the property. The front yard location of the driveway may be influenced by the drainage easement on the right side of front yard. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (D).

6. He stated that building the porch was started by the Petitioner without a permit and for which a stop work notice was subsequently received. Exh. 6.

7. Petitioner Darlin Ramos testified that she would like the proposed porch to be used as an outside area for the family to enjoy. She noted that adjoining neighbors on both sides of her property have very nice decks. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (D).

8. She stated that the side of the house where concrete and gravel are only there to keep the mud down when it rains. There is no intention of expanding the driveway beyond the front of the dwelling. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (D).

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

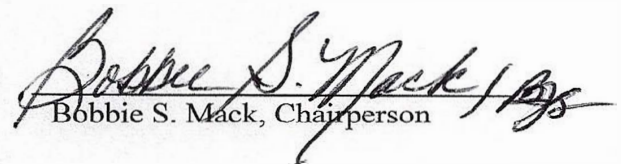
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to a drainage easement existing on the right rear side of the property, the property has a semi-detached dwelling with no left side yard, the desire to have a covered porch in the rear yard area where the family may have protected enjoyment in the outdoors 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 variances of 6 feet front yard depth, 9.4% net lot coverage and a waiver of the parking area location requirement in order to validate existing conditions (front yard depth, net lot coverage and waiver of the parking area) and obtain a building permit for the driveway partially located in front of the house and for the unauthorized construction of a porch on the property located at 7628 Oxman Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (c).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

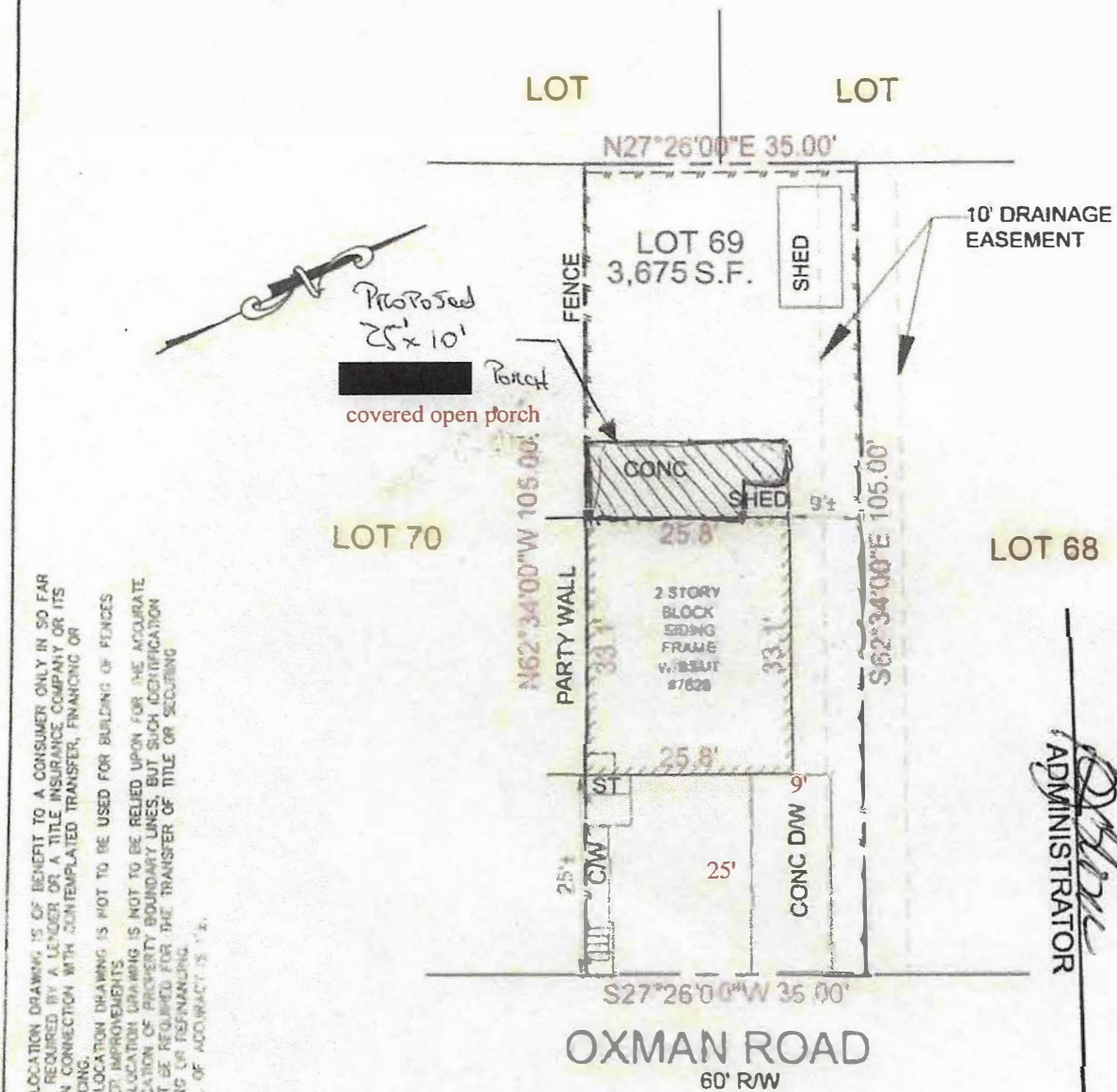
NOTICE

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.

ADDRESS: 7628 OXMAN ROAD



NOTES:
1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.
2. THIS LOCATION DRAWING IS NOT TO BE USED FOR BUILDING OF FENCES OR OTHER IMPROVEMENTS.
3. THIS LOCATION DRAWING IS NOT TO BE RELIED UPON FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
4. LEVEL OF ACCURACY IS 1\"/>

ADMINISTRATOR

APPROVED DEC 15 2021

BOARD OF APPEALS

DRAWN BY: BI

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 RIGHT-OF-WAYS ON THE RECORD OR EASEMENTS RECORDED OR UNRECORDED NOT APPEARING ON THE RECORDED PLAT OR MENTIONED IN THE DEED REFERRED TO HEREON. NO TITLE REPORT WAS FURNISHED.



EXH. # 2
V-111-21

7/29/2021

APPLIED CIVIL ENGINEERING

9470 ANNAPOLIS ROAD, SUITE 414
LANHAM, MD 20706
PHONE 301-459-5932
FAX 301-459-5974
APPLIEDCIVIL.ACE@VERIZON.NET

LOCATION DRAWING

PALMER PARK
LOT 69 BLOCK C SECTION 1
BOOK 45156 PAGE 5
PLAT A-2353

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1" = 20'

DATE: 7/27/21

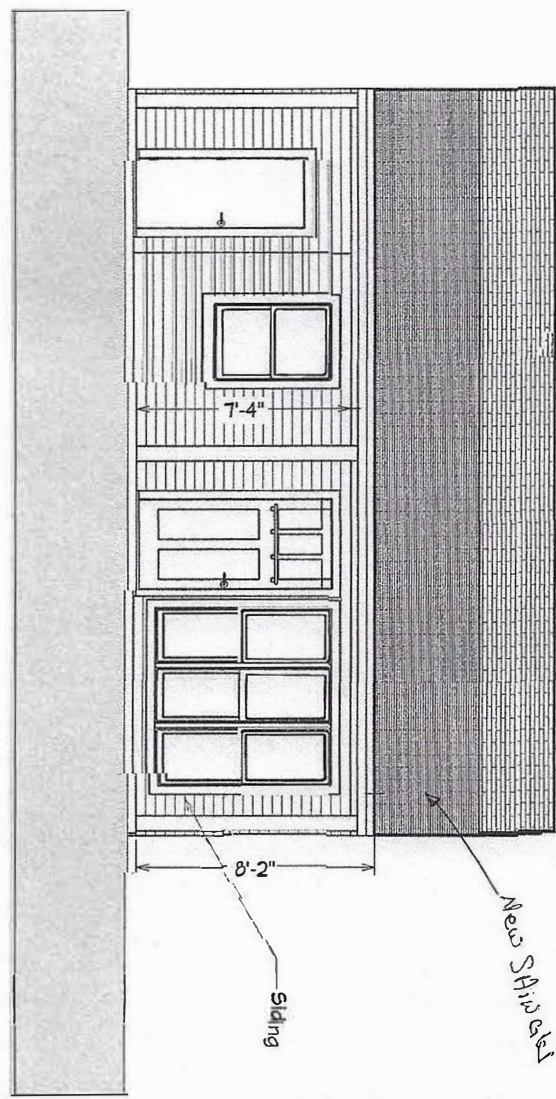
FILE #7628 OXMAN ROAD

CASE: 0

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APPROVED DEC 15 2021

[Signature]
ADMINISTRATOR



Back Elevation
3/4" = 1'

(a)

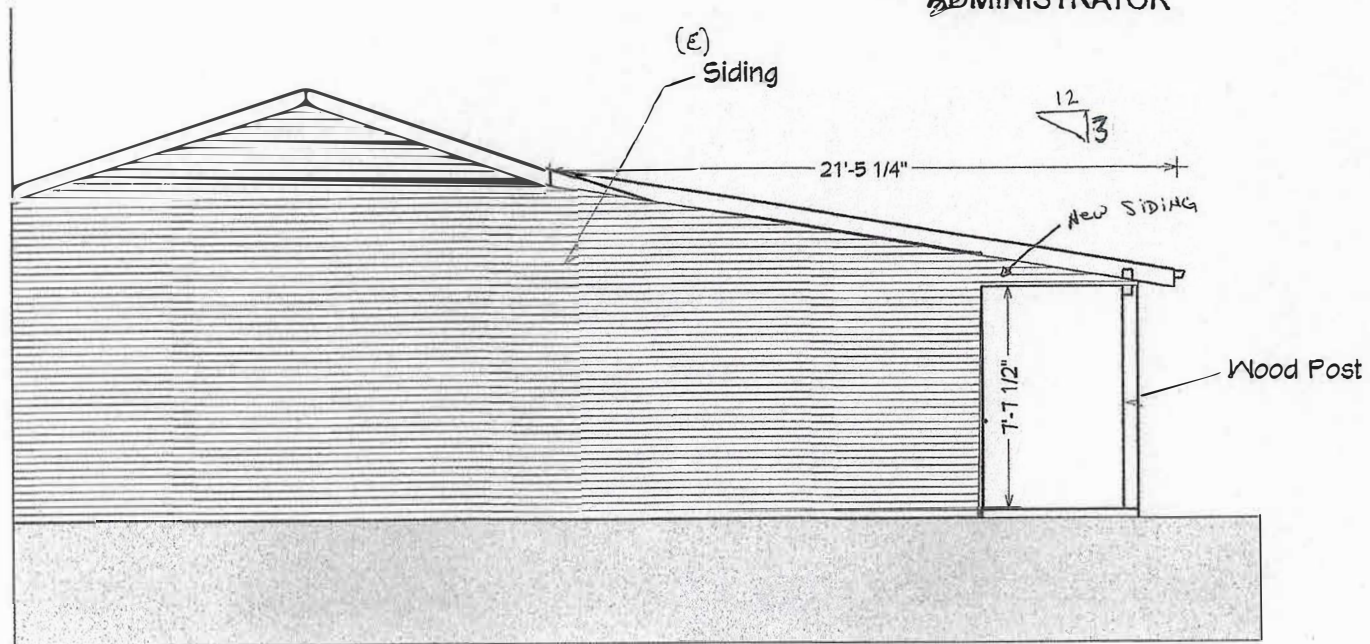
EXH. # 3(a-e)
V-111-21

Address: 7628 Oxman Rd, Hyattsville, MD 20785	Owner: Freddy Rubio Amaya/DARLIN	Back Elevation	<small>SHEET NUMBER</small> A3 <small>REVISION #:</small>
	<small>DRAWN BY: JHON DIAZ</small>	<small>DATE:</small>	

BOARD OF APPEALS

APPROVED DEC 15 2021

[Signature]
ADMINISTRATOR



Left Side Elevation

1/8" = 1'

(b)

SHEET NUMBER
A4
REVISION

Left Side Elevation

DRAWN BY: JON DIAZ DATE:

Owner: Freddy Rubio
Amaya / *[Signature]*

Address: 7628 Oxman Rd,
Hyattsville, MD 20785

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APPROVED DEC 15 2021

Boston
ADMINISTRATOR

SHEET NUMBER
A2
NEWGON F

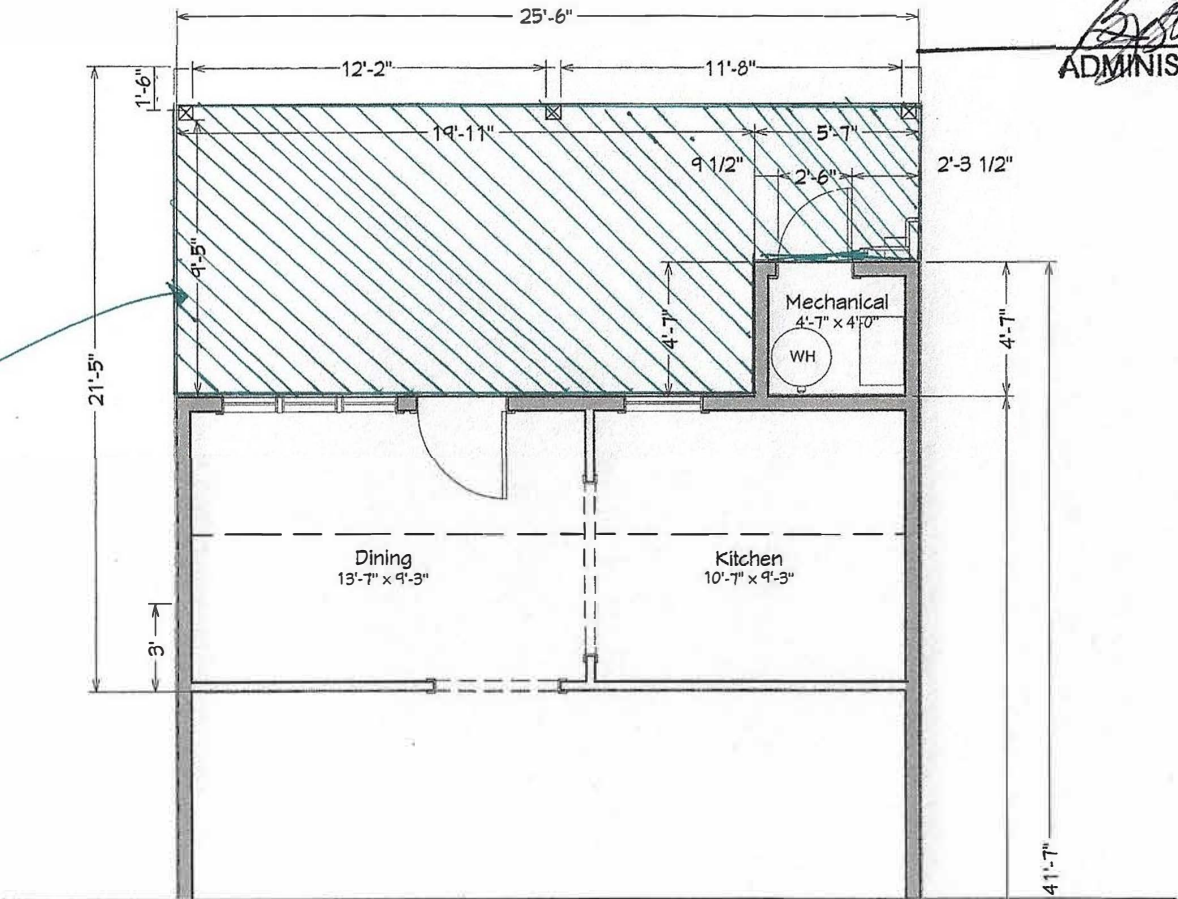
Proposed Floor Plan

Owner: Freddy Rubio
Amaya / DARTW

Address: 7628 Oxman Rd,
Hyattsville, MD 20785

DATE
DRAWN BY: JHON DIAZ

Proposed New
25'-6" x 16'
Rear Porch



Proposed Floor Plan

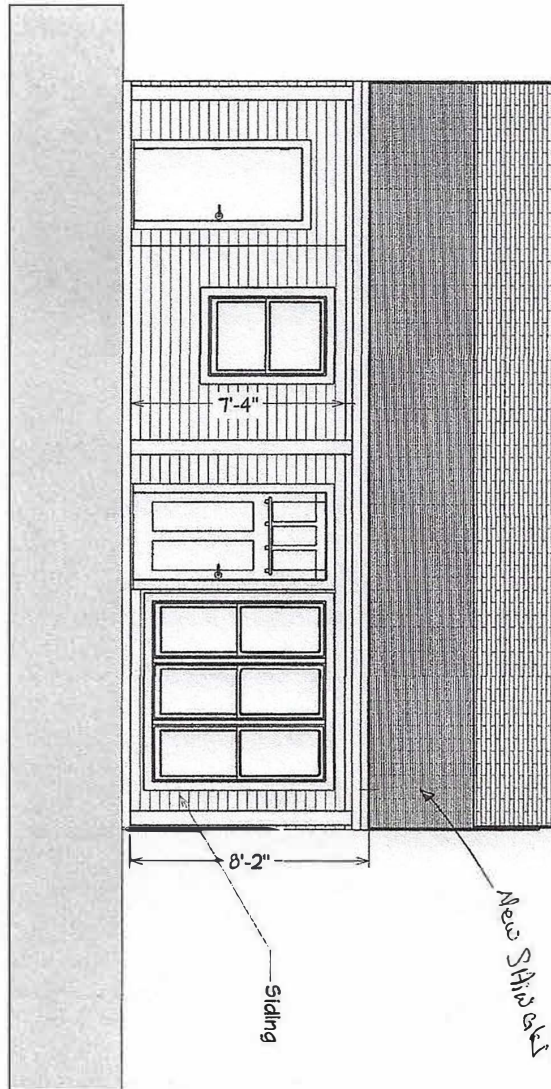
1/4" = 1'

(c)

BOARD OF APPEALS

APPROVED DEC 15 2021

[Signature]
ADMINISTRATOR



Back Elevation
1/4" = 1'

(d)

Address: 7628 Oxman Rd,
Hyattsville, MD 20785

Owner: Freddy Rubio
Amaya/DARWIN

Back Elevation

DRAWN BY: JHON DIAZ

DATE:

SHEET NUMBER

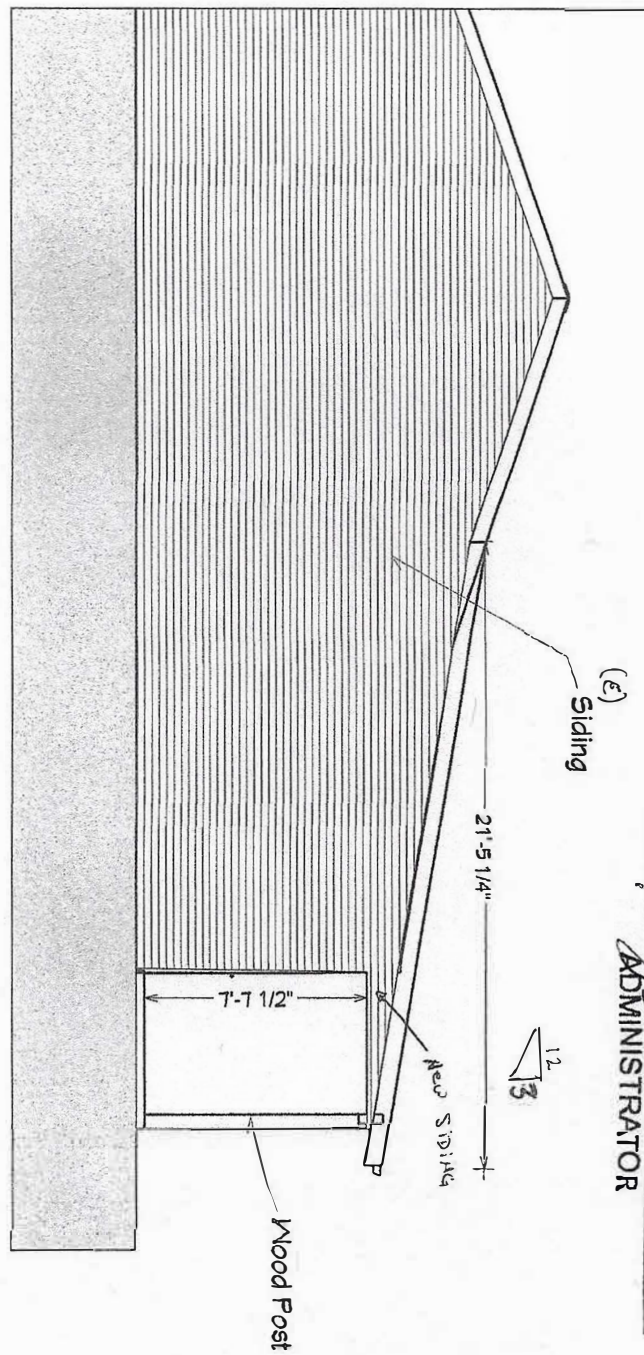
A3

REVISION #:

BOARD OF APPEALS

APPROVED DEC 15 2021

[Signature]
ADMINISTRATOR



Left Side Elevation
1/4" = 1'

(e)

Address: 7628 Oxman Rd,
Hyattsville, MD 20785

Owner: Freddy Rubio
Amaya / Darwin

Left Side Elevation

DRAWN BY: JHON DIAZ

DATE:

SHEET NUMBER
A4
REVISION #: