



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-137-21 Flor Marleny Martinez

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 26, 2021

CERTIFICATE OF SERVICE

This is to certify that on July 28, 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".

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: Flor Marleny Martinez

Appeal No.: V-137-21

Subject Property Lot 28, Block B, Palmer Park Subdivision, being 7711 Muncy Road, Hyattsville, Prince George's County, Maryland,

Heard and Decided: January 26, 2022

Spanish Language Interpreter: Ernesto Luna

Board Members Present and Voting: Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

Board Member Absent: Bobbie S. Mack, Chairperson

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 variance from Ordinance Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. 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 proposes to validate existing conditions (front yard depth and net lot coverage) and obtain a building permit for the construction of a driveway in front of the house. A variance of 4 feet front yard depth, 11.9% net lot coverage and waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 3,768 square feet, is zoned R-35 (Two Family Detached Residential) and is improved with a single-family dwelling, and a shed, fence and pavilion. Exhibits (Exhs.) 2 (A), 3, 7, 8, and 9 (A) thru (H).
2. The subject lot is rectangle in shape, although the lot is wider (38 feet) in the front and narrower (33.43 feet) in the rear of the property. Exhs. 2 (A), 3, 7, 8, and 9 (A) thru (H).
3. Petitioner proposes to validate existing conditions (front yard depth and net lot coverage) and obtain a building permit for the construction of a single wide driveway in front of the house. A variance of 4 feet front yard depth is needed, as the concrete stoop is encroaching into the front yard setback. Because of the addition of the driveway, the lot coverage exceeds the allowable 30% and is 41.9%; therefore, a variance of 11.9% is required. Due to the location of the new driveway in the front of the house, a waiver of the parking area location requirement is also required. Exhs. 2 (A), 4 and 5.
4. Petitioner Flor Martinez testified that the proposed driveway is needed because of the hard-to-find street parking areas at night when she returns from work. She noted many people will park their cars in front of her house and leave them there for weeks at a time. She stated that this problem has occurred ever since she moved into the property 2 years ago.

5. She testified that driveways are common in this neighborhood. Exhs. 9 (A) thru (H)
6. She further testified that an apron permit had already been obtained for the driveway. Exh. 2 (A).
7. Ms. Martinez further stated that the dimensions of the proposed driveway will be 10 feet x 21 feet and located in front of the house on the left side of the property. She stated that the left side of the driveway will line up with the left side of the house. Exh. 2(A).
8. She submitted that the driveway must be located where it is proposed due to a 10-foot-wide drainage easement situated on the subject property and the property to its left. Exhs. 2 (A), 4 and 5.

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.

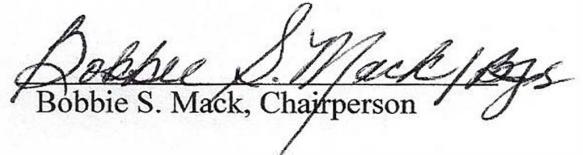
Findings of the Board

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

Due to the existing location of a 10-foot drainage easement located partially on the left side of the property, the easement causing the proposed driveway to be located in front of the house, the urgent need for available close parking at night 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, that a variance of 4 feet front yard depth, 11.9% net lot coverage and waiver of the parking area location requirement order to validate existing conditions (front yard depth and net lot coverage) and obtain a building permit for the construction of a driveway on the property located at 7711 Muncy Road, Hyattsville, 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.

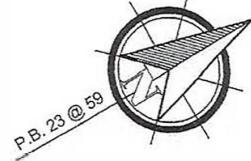
Further, Section 27-233(a) of the Prince George's County Code states:

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.

BOARD OF APPEALS

APPROVED JAN 26 2022

BG/AP
ADMINISTRATOR



MUNCY ROAD

R = 809.78
L = 38.23

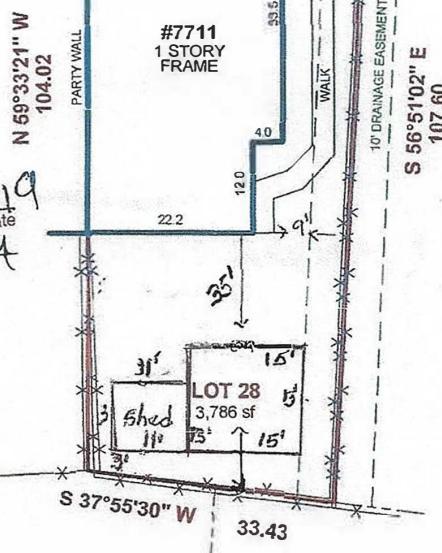
WATER METER BACK OF CURB

WALK

2' x 10' D/w Pad
& single Apron

- 3:1 Maximum Slope Allowed on Residential Property
- 7% Maximum Parking Pad Slope and 12.5% Maximum Driveway Slope
- 2.5% Minimum Slope Required on Yard or Lawn Areas. 10" in 10' Minimum Slope of Pad Away From Minimum Slope is Required

Approved for Soils, Grading and Drainage
12/11/19
Date
Permit #: 57 2014-2024



(A)

THE LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES IS: 1±

LOCATION DRAWING OF:

#7711 MUNCY ROAD

LOT 28 BLOCK B

SECTION 1

PALMER PARK

PLAT BOOK 23, PLAT 59

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 12-04-2018

DRAWN BY: BG/AP FILE #: 1910165-200

LEGEND:

- FENCE
- BASEMENT ENTRANCE
- BAY WINDOW
- BRICK
- BRC
- BLDG. RESTRICTION LINE
- BSMT
- BASEMENT
- CONCRETE
- CONC
- DRIVEWAY
- DRIV
- EXISTING
- FRAME
- MAX
- MACADAM
- GATE
- OVERHANG
- PUE
- PUBLIC UTILITY ESMT.
- PIE
- PUBLIC IMPROVEMENT ESMT.
- ESMT & RESTRICTION LINES

COLOR KEY:

- (RED)
- (GREEN)
- (BLUE)
- (WHITE)
- (IMPROVEMENTS)
- (RESTRICTION LINES)

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I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 001305 OF THE CODE OF MARYLAND AND/OR REGULATIONS OF THE SURVEY. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS 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 OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY, IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAME PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD, BUILDING RESTRICTIONS, AND OTHER AGREEMENTS WHICH MAY NOT BE SHOWN ON THIS SURVEY. ENCROACHMENTS WHICH ARE IN THE SURVEYOR'S OPINION APPEAR TO BE AS A RESULT OF DISPAIR OR MAY BE CONSIDERED TEMPORARY, MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

EXH. # 2(A-B)
V-137-21

DULEY & ASSOC.

WILL GIVE YOU A 100%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.
(EXCLUDING D.C. & BALT. CITY)