



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-136-19 Maria and Fidel Perez

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: September 9, 2020.

CERTIFICATE OF SERVICE

This is to certify that on November 9, 2020, 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

Petitioners: Maria and Fidel Perez

Appeal No.: V-136-19

Subject Property: Lot 106, Block L, Halliewood Subdivision, being 9353 Worrell Avenue, Lanham, Prince George's County, Maryland

Spanish Language Interpreter: Ruben Sotogomez

Witness: Kenneth Harrison, Inspector, Department of Permitting, Inspections and Enforcement

Heard: February 19, 2019; Decided: September 9, 2020

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

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 variances from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 75 feet measured along the front building line. Section 27-120.01(c) which 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. Petitioners propose to validate an existing condition (front building line) and obtain a building permit for an unauthorized construction of a driveway extension in front of the dwelling. Variances of 15 feet front building line width and a 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 1940, contains 9,000 square feet, is R-80 zoned (One-Family Detached Residential) and is improved with a single-family dwelling, shed and driveway extension.
2. The property is on a down slope from front to back of the property. The property is also long and narrow.
3. Petitioners propose to validate an existing condition (front building line) and obtain a building permit for an unauthorized construction of a driveway extension in front of the dwelling. As the property was subdivided in 1940, the front building line does not meet current minimum standard, therefore, a variance of 15 feet front building line is requested. In addition, the property is very narrow at only 60 feet reducing the possibility of feasible parking area. With the proposed parking area being positioned in front of the dwelling, a waiver of the parking area location is requested.
4. Petitioner, Maria Perez explained that they built the driveway extension and a shed. She further explained, they were told that the driveway was included in the site plan and permit for the shed. That is why they started construction on the driveway. She stated that the original plan did not show the driveway, they were told to revise the site plan to show the driveway. The reason for the driveway is because the area

that they parked their vehicles was always muddy and bred many mosquitos. The problem is that their house is on a down slope from the road, so the water would flow toward the house and lay in puddles next to the house penetrating the foundation into the basement. With so much water, their carpet in their basement was turning black from the mold and had to be removed, as well as the drywall in the basement. To assist in the water issue, they installed drain pipes to help remove the water and built the driveway. She further stated, because of the mold and the mosquitos, she was concerned for the health of their children and themselves. The water no longer flows towards the house. The driveway has removed the unsafe conditions from their children and family.

5. Inspector Harrison stated that he needed to check with Park & Planning to verify what the permit included. (Further review clarified that the shed did not include the driveway and that a separate permit will need to be obtained.) Driveway permit 39556-2019; is pending the approval of the variance.

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

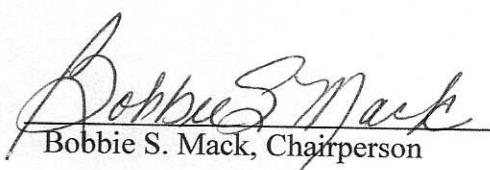
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the slope of the yard causing rain puddling, breeding disease carrying insects, water penetrating the foundation causing mold damage to the interior of the dwelling 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that variances of 15 feet front building line width and a waiver of the parking area location requirement in order to validate an existing condition (front building line) and obtain a building permit for the unauthorized construction of a driveway extension on the property located at 9353 Worrell Avenue, Lanham, Prince George's County, Maryland, be and are 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.

ADDRESS: 9353 WORRELL AVENUE
LANHAM MD, 20706

LOT 37

LOT 36

LOT 35

RECORD NORTH

S72°43'00" W 60.00'

15.4
SHED
12.0

LOT 106
9,000 S.F.

LOT 105

LOT 107

N17°17'00" W

Proposed N'
Wooden fence

150.00'

50' B.R.L.

PATIO
32.6
1 1/2 STORY
ALUM.
#9353
13.2
2.0
18.2
30.6
PORCH

S17°17'00" E 150.00'

50' B.R.L.

CONC. DRIVE

31.2

20'

13'

EX. APRON

9.7

14'6"

7.0

6.5 x 31.2
NEW D/V
EXTENSION

WORRELL AVENUE

(60' R.O.W.)

BOARD OF APPEALS

APPROVED

SEP 9 2020

B. Stone
ADMINISTRATOR

DATE: 9/10/19

DRAWN BY: CE

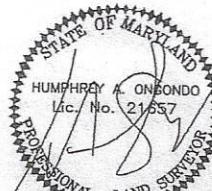
FILE: 9353 WORRELL AVENUE

NOTES:

1. THIS IMPROVEMENT LOCATION DRAWING:
2. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
3. SUBJECT TO ALL EASEMENTS ON RECORD.
- AND IMPROVEMENTS ON PROPERTY.

SCALE: 1" = 20'

I HEREBY CERTIFY THAT IMPROVEMENTS ARE LOCATED AS SHOWN HEREON AND TO THE BEST OF MY INFORMATION, PROFESSIONAL KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN.



SURVEYOR

DATE

9/10/19

LOCATION SURVEY
RESUBDIVISION OF A PORTION OF
BLOCK B OF GREENWOOD, BLOCK I SEABROOK
BLOCK L HALLIEWOOD
DISTRICT 20
PRINCE GEORGE'S COUNTY

PLAT# A-0614 PROPERTY OWNER: FIDEL PEREZ

SURVEYORS DEVELOPMENT & ASSOCIATES LLC

LAND SURVEYORS* ENGINEERS*PLANNERS*

WWW.SURVEYORSDALLC.COM

EMAIL: SURVEYORSDALLC.COM

3230 CHILLUM ROAD

MOUNT RAINIER MD, 20712

PHONE# 301-919-3639

EXH. # 2
V-136-19