



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

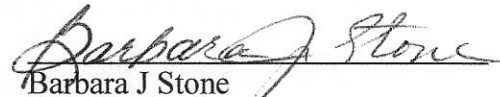
OF BOARD OF APPEALS

RE: Case No. V-22-23 Marcela E. Rondon

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 14, 2023.

CERTIFICATE OF SERVICE

This is to certify that on July 6, 2023, 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: Marcela E. Rondon

Appeal No.: V-22-23

Subject Property: Lot 5, Block 2, Knollwood Estates Subdivision, being 10425 Floral Drive
Hyattsville, Prince George's County, Maryland

Witness: Kenneth Harrison, Inspector, Department of Permitting, Inspection and Enforcement, (DPIE)
Michelle Stawinski, Esq. (Representing Neighbors: Khanh Bui and Nhu Le)

Heard and Decided: June 14, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson
 Carl Isler, Acting Vice Chair
 Teia Hill, Member
 Renee Alston, Member
Board Member Absent: Anastasia Johnson

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 27-3613 of the Zoning Ordinance. Petitioner requests that the Board approve variances from Section 27-4202(c) which prescribes that each lot shall have a minimum net lot area of 20,000 square feet and 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. Section 27-4202(c)(2) which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioner proposes to validate existing conditions (net lot area and front yard depth) and obtain a building permit for the unauthorized extension of the driveway. Variances of 10,000 square feet net lot area, 1-foot front yard depth 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 1962, contains 10,000 square feet, is zoned RR (Residential Rural) and is improved with a single-family dwelling, driveway, carport, open deck and shed. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (C).
2. Subject property is rectangular in shape being 80 feet wide and 125 feet deep. The rear yard, beginning under the deck, slopes severely toward the rear property line and then flattens out. Exhs. 2, 3, 7, 8 and 9 (A) thru (C).
3. Petitioner proposes to validate existing conditions (net lot area and front yard depth) and obtain a building permit for the unauthorized construction of a driveway extension partially located in front of the dwelling. Variances of 10,000 square feet net lot area, 1-foot front yard depth and a waiver of the parking area location requirement are requested. Exhs. 2, 3, 7, 8 and 9 (A) thru (C).

4. Petitioner Marcela Rondon testified that she received a Corrective Order from the DPIE Inspector, with whom she has been working with for over a year. She stated that her "permit application" was placed on hold until she received the requested variances.¹

5. She explained that she built the driveway extensions (widened on both sides of the existing driveway) to accommodate her disabled mother, who uses a cane and needs a safe accessible route to enter the house. She further explained that when the car door is opened in the carport, the door hits the side of the house, and it is difficult to exit the car. The original driveway was very narrow and when her mother exited the car with her cane or wheelchair, a hard surface was warranted for her to maneuver. Exhs. 2, 4 (A) thru (D), and 6.

6. Ms. Rondon explained that she wanted to be assured that her mother has safe accommodation for mobility.

7. Attorney Michelle Stawinski stated that her clients, who are neighbors and have seen the driveway extension, were only concerned about whether any further expansion will be proposed. If not, her clients are satisfied.

8. Ms. Rondon clarified that no further expansion of the driveway is being proposed; only the approval of what has been constructed is requested.

9. Inspector Harrison noted that a complaint regarding the driveway expansion caused the Correction Order to be issued.² Exh. 6.

10. Petitioner submitted an approved stamped Site Road site plan. Exh. 2.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

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 27-3613(d), more specifically:


¹ Ms. Rondon confirmed that she did fail to obtain the proper permit(s), but she is now working on obtaining a permit (16587-2022-00).

² Petitioner was questioned by the Board about whether a permit had been obtained for the rear deck. Inspector Harrison stated he did not go into the rear of the property and was unaware that the deck was not permitted, but the Petitioner does, in fact, need a permit for the deck.

Due to the narrow carport impeding safe exit from a vehicle, a safe accessible route to the home is warranted to accommodate the lack of mobility of the parent 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 variances of 10,000 square feet net lot area, 1-foot front yard depth and a waiver of the parking area location requirement in order to validate existing conditions (net lot area and front yard depth) and obtain a building permit for the unauthorized construction of a driveway extension partially located in front of the dwelling on the property located at 10425 Floral Drive 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.

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 27-3613(c)(10)(B) of the Prince George's County Code states:

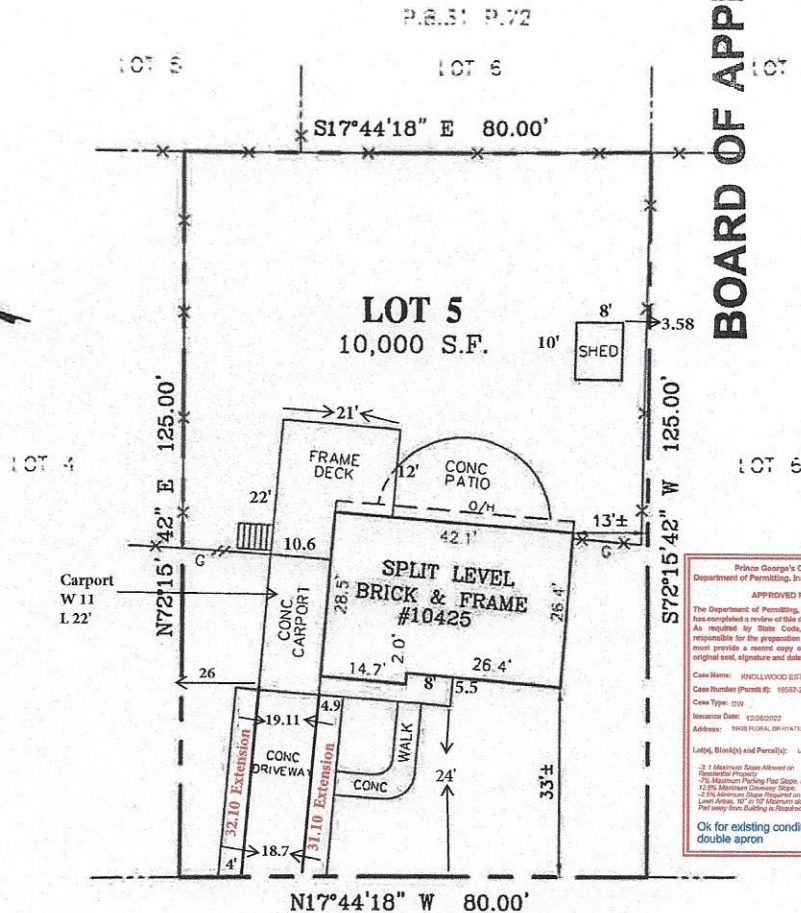
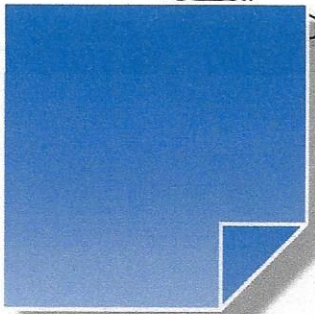
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan 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 re-financing.
4. Any building line and/or Flood Zone information, if shown, is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet.
2. Fences, as shown, were located by approximate methods.



BOARD OF APPEALS

APPROVED JUN 14 2023

ADMINISTRATOR

LOCATION DRAWING
LOT 5~BLOCK 2
SECTION TWO

KNOLLWOOD ESTATES
PRINCE GEORGE'S COUNTY, MARYLAND

FLORAL DRIVE
(60' R/W)

SURVEYOR'S CERTIFICATE

"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

Keith W. Snider
MARYLAND PROPERTY LINE SURVEYOR REG. NO. 592
Expires: 04-07-2023

REFERENCES

PLAT BK. 44
PLAT NO. 65

EXH. # 2
V-22-23

FOLIO



SNIDER & ASSOCIATES
LAND SURVEYORS

19544 Amaranth Drive
Germantown, Maryland 20874
301/948-5100 Fax 301/948-1286
WWW.SNIDERSURVEYS.COM

DATE OF LOCATIONS

SCALE: 1" = 30'

CHECK:

DRAWN BY: J.E.S.-TON

HSE. LOC.: 06-30-22

JOB NO.: 08-02181