

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-6-08 Hector Amaya

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: February 13, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on March 6, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
DER, Building Code Official, Permit & Review Div.
M-NCPPC, Permit Review Section

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Hector Amaya

Appeal No.: V-6-08

Subject Property: Lot 29, Block 7, Lanham Woods Subdivision, being 7210 Kidmore Lane, Lanham,
Prince George's County, Maryland

Witnesses: Doraelsy Fuentes, Adjoining Property Owner

Wayne Miller, Adjoining Property Owner

Innocent Tchokouassi, Adjoining Property Owner

Heard and Decided: February 13, 2008

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(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions and obtain a building permit for an existing driveway. A variance of 4.5% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1957, contains 5,775 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway.
2. The existing house was built in 1960 (Exhibit 5).
3. Petitioner testified that he constructed a 37.5' x 16' two-story addition on the rear of the existing dwelling.
4. Innocent Tchokouassi, a neighbor testifying on behalf of Petitioner, explained that even though Petitioner obtained a building permit for the addition, he was informed during an inspection that he must obtain a permit for new walkway area and for repaving an existing driveway that had cracks.
5. To obtain a permit for the driveway and new concrete walkway area, existing conditions must be validated. Since the allowed amount of lot coverage has been exceeded by existing structures and driveway area on the property, a variance of 4.5% net lot coverage was requested.
6. None of the neighbors appearing at the hearing opposed the request.

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 existing conditions on the property, the existing driveway needing repair due to cracks in the pavement, driveway area not having been taken into account when Petitioner obtained a building permit for his new addition, 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 a variance of 4.5% net lot coverage in order to validate existing conditions and obtain a building permit for an existing driveway on the property located at Lot 29, Block 7, Lanham Woods Subdivision, being 7210 Kidmore Lane, Lanham, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 10.

BOARD OF ZONING APPEALS

By: (Original Signed)
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.