

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-19-16 Victor Alvarado-Pena

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: April 13, 2016.

CERTIFICATE OF SERVICE

This is to certify that on April 20, 2016, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed) _____
Anne F. Carter
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: Victor Alvarado-Pena

Appeal No.: V-19-16

Subject Property: Lot 7, Block A, Cheverly Manors Subdivision, being 3412 63rd Avenue, Cheverly,
Prince George's County, Maryland

Heard and Decided: April 13, 2016

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 27-120.01(c) of the Zoning Ordinance, 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. Petitioner proposes to construct a driveway in the front yard. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1942, contains 6,836 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits ("Exhs.") 2, 3, 8 and 9. The existing dwelling was built in 1942. Exh. 8.
2. The property is a through lot with two (legal) front yards (63rd Avenue and 62nd Place) and no rear yard. The dwelling faces 63rd Avenue. Exh. 2. The front of the property slopes downward from the house to the street. Exh. 10(F).
3. Petitioner would like to construct a 16' x 20' driveway in the street yard off of 62nd Place, but a variance is necessary to obtain a building permit. Since the driveway would be located in the front yard area prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 12.
4. The Board previously approved a variance for the location of a 16.5' x 30.5' shed (still under construction) in the street yard next to 62nd Avenue (Appeal No. V-102-14). At that time, the Board also approved variances for front and side yard setbacks to validate the location of the dwelling on the subject property. Exh. 6.
5. Petitioner testified that no driveway exists on the property. He stated that there is space for only one vehicle to park on the street in front of his house because of the location of a fire hydrant. *See* Exh. 10(F). He explained that there are four vehicles in the family and he would like to build the proposed driveway at the rear of his property. Exhs. 4(A) thru (C).

6. He further testified that most of the houses on the street behind his house, 62nd Place, have driveways. Exhs. 5(A) thru (N).

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 property being a through lot, the location of a fire hydrant limiting the space to park on the street in front of the house, there currently being no driveway on the property, the sloping topography on the 63rd Avenue side of the property, the proposed driveway providing off-street parking, 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 waiver of the parking area location requirement in order to construct a 16' x 20' driveway in the front yard on the property located at Lot 7, Block A, Cheverly Manors Subdivision, being 3412 63rd Avenue, Cheverly, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.

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.