

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-27-16 Russell Richardson

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: May 11, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on May 24, 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
Other Interested Parties

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

Petitioner: Russell Richardson

Appeal No.: V-27-16

Subject Property: Lot 7, Block A, Radiant Valley Subdivision, being 6710 Dorman Street, Hyattsville,
Prince George's County, Maryland

Witnesses: Dorothy Davis, mother of Petitioner
Kevin Tucker

Heard and Decided: May 11, 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 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, Petitioner requests that the Board approve variances 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, and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall generally be located only in the rear yard. Petitioner proposes to validate existing conditions and construct a driveway. A variance of 14.8% net lot coverage and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1947, contains 6,251 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits ("Exhs.") 2, 3, 6 and 7. The existing single-family dwelling was built in 1947. Exh. 6.

2. Petitioner would like to construct a 13' x 53'6" driveway (Exh. 2), but variances are needed to obtain a building permit. Since the allowed amount of net lot coverage (30%) is exceeded by existing development on the property and construction of the driveway would cause further excess, a variance of 14.8% net lot coverage was requested. Exh. 12.

3. In addition, since an existing shed is located partly in the side yard, a waiver of the rear yard location requirement for an accessory building was also requested to validate the location of the shed. Exh. 12.

4. Petitioner testified that he wants the proposed driveway to provide easier accessibility and security to the house for his elderly mother. He explained that there are problems for his mother with parking far away from the property on the one-way street. He also stated that walking her to (and from) the car when there is snow and ice has become dangerous.

5. Kevin Tucker, Petitioner's adviser, testified that the proposed driveway will have an access walkway going up to the house. He explained that because of the incline where the driveway will be located, a 32-inch retaining wall will be constructed. Exhs. 2, 4(A) and (C) thru (E), 8(F).

6. Dorothy Davis, Petitioner's mother, stated that she has lived at the property for 22 years.

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 topography in the front of the property, the street having only one-way traffic, there being a lack of on-street parking, the need for off-street parking with accessibility to the house for an elderly 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, unanimously, that a variance of 14.8% net lot coverage and a waiver of the rear yard location requirement for an accessory building in order to validate existing conditions and construct a 13' x 53'6" driveway on the property located at Lot 7, Block A, Radiant Valley Subdivision, being 6710 Dorman Street, Hyattsville, 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: (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.