

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-31-16 Christine Lewis

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 25, 2016.

CERTIFICATE OF SERVICE

This is to certify that on June 7, 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
Lewisdale Citizens' Association

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

Petitioner: Christine Lewis

Appeal No.: V-31-16

Subject Property: Lot 57, Block M, University Gardens Subdivision, being 7710 West Park Drive,
Hyattsville, Prince George's County, Maryland

Heard: May 11, 2016; Decided: May 25, 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 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 and 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. Petitioner proposes to construct a driveway in the front yard of a semi-detached single-family dwelling. A variance of .5% net lot coverage 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 1952, contains 4,145 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and two sheds. Exhibits ("Exhs.") 2, 3, 6 and 7. The existing dwelling was built in 1952. Exh. 6.
2. The property is a long and narrow lot, being only 30 feet wide and 125 feet deep. Exh. 2.
3. Petitioner would like to construct a 10' x 19' driveway, but variances are needed in order to obtain a building permit. Since construction of the driveway would cause the allowed amount of net lot coverage (30%) to be exceeded, a variance of .5% net lot coverage was requested. Exhs. 10 and 11.
4. In addition, since part of Petitioner's driveway will be located in the area of the front yard prohibited by Section 27-120.01(c) (Exh. 2), a waiver of the parking area location requirement was also requested. Exh. 11.
5. Petitioner testified that the porch on the right side of the house (in front of which the driveway would extend) existed at the time she purchased the subject property.
6. She explained that there are existing paver strips where she would park if she had a driveway apron. Exh. 4.
7. Petitioner explained that because she works late hours as a nurse she has to park 3-4 blocks away from her house causing a safety issue.
8. Lewisdale Citizens' Association opposed the request. Exh. 16.

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 narrowness of the property, the need for off-street parking for safety reasons, 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 .5% net lot coverage and a waiver of the parking area location requirement in order to construct a 10' x 19' driveway in the front yard of a semi-detached single-family dwelling on the property located at Lot 57, Block M, University Gardens Subdivision, being 7710 West Park Drive, 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.