

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-65-16 Deysi Flores and Alicia Melendez

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: July 13, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on July 27, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Ernesto Luna, Spanish Language Interpreter

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

Petitioners: Deysi Flores and Alicia Melendez

Appeal No.: V-65-16

Subject Property: Lot 2, Block G, Sargent Knolls Subdivision, being 5903 15th Avenue, Hyattsville,
Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Heard and Decided: July 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, Petitioners request that the Board approve a variance from Section 27-442(i)(Table VIII) of the Zoning Ordinance, which prescribes that accessory buildings shall be set back 2 feet from any side lot line, 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. Petitioners propose to validate an existing condition and construct a driveway in the front yard. A variance of 1 foot side lot line setback for an accessory building 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 1946, contains 5,000 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 dwelling was built in 1952. Exh. 6.
2. The property is 50 feet wide and the existing dwelling is 28.28 feet wide. Exh. 2.
3. Petitioners would like to construct a 10' x 23' driveway (Exh. 2), but variances are required to obtain a building permit. Since part of Petitioners' driveway would be located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 11.
4. A variance is also needed to validate the location of an existing shed on the property. Exh. 4(B). Since the shed is located 1 foot from the side lot line, a variance of 1 foot side lot line setback was requested. Exh. 11.
5. Petitioner Deysi Flores testified that the proposed driveway would provide the security of having a place to park her car close to the house.
6. Ms. Flores stated that there is a gravel parking area in the front yard that will be paved over enough to park one vehicle. Exhs. 4(A) and (C), 8(F). She stated that there are driveways on properties on her street.

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 secure off-street parking for one vehicle, 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 1 foot side lot line setback for an accessory building and a waiver of the parking area location requirement in order to validate an existing condition and construct a 10' x 23' driveway in the front yard on the property located at Lot 2, Block G, Sargent Knolls Subdivision, being 5903 15th Avenue, 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.