

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-66-16 Square Circle Home Improvement, Inc.

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: 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: Square Circle Home Improvement, Inc

Appeal No.: V-66-16

Subject Property: Lot 41, Block O, Palmer Park Subdivision, being 2019 Barlowe Place, Landover,
Prince George's County, Maryland

Counsel for Petitioner: Traci Scudder, Esq.

Witness: Yousong Huang, owner of Square Circle Home Improvement, Inc.

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 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth; Section 27-442(c)(Table II), 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 validate existing conditions and construct a driveway in the front yard of a semi-detached single-family dwelling. Variances of 3 feet front yard depth, 3.8% net lot coverage and a waiver of the parking area location requirement were requested.¹

Evidence Presented

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

1. The property was subdivided in 1954, contains 3,850 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling. Exhibits ("Exhs.") 2, 3, 6 and 7. The existing dwelling was built in 1955. Exh. 6.

2. The lot is extremely narrow, being only 35 feet wide. Exh. 2.

3. Petitioner would like to construct a 10' x 22' driveway on the property (Exh. 2), but variances are required to obtain a building permit. Since part of the 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. Since construction of the driveway would cause the allowed amount of net lot coverage (30%) to be exceeded, a variance of 1.7% net lot coverage was also requested. Exhs. 10 and 11.

4. Yousong Huang testified that the property is a small, narrow lot on which half of a duplex is used by him as rental property. He stated that there is currently no driveway on the property. He estimated that there are 8-10 other properties with driveways on Barlowe Place.

¹ A revised site plan was submitted. Exh. 17. It was determined that the front yard setback variance is unnecessary, a smaller variance of 1.7% net lot coverage will be sufficient and the waiver of the parking area location is still necessary.

5. He stated that there will be approximately four feet of grass between the driveway and the house.

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 small size of the property, the narrowness of the property, the need for 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 variances of 1.7% net lot coverage and a waiver of the parking area location requirement in order to validate existing conditions and construct a 10' x 22' driveway in the front yard of a semi-detached single-family on the property located at Lot 41, Block O, Palmer Park Subdivision, being 2019 Barlowe Place, Landover, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17.

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.