

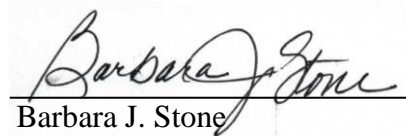
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-89-17 Graciela Segovia

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: August 23, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on September 27, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division

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

Petitioner: Graciela Segovia

Appeal No.: V-89-17

Subject Property: Lot 22, Block B, Palmer Park Subdivision, being 7641 Muncy Road, Hyattsville,
Prince George's County, Maryland

Heard: August 9, 2017; Decided: August 23, 2017

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), 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 and obtain a building permit for a driveway in the front yard of a semi-detached dwelling. A variance of 9.3% 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 1954, contains 3,675 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and driveway. The narrow lot is only 35 feet in width. Exhibits (Exhs.) 2, 3, 6 and 8 (A) thru (F).
 2. Petitioner would like to obtain a building permit for an 18' x 19.5' driveway, which is partially located in front of the dwelling. As Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the front yard between the front street line and the sides of the dwelling, a waiver of the parking area location requirement was requested. Exhs. 2, 4, 8 (A) thru (F) and 17 (A) thru (B).
 3. Construction of the two-car driveway exceeded the amount of lot coverage allowed. A variance of 9.3% net lot coverage was requested. Exhs. 2, 4 and 17 (A) thru (B).
 4. Petitioner Graciela Segovia testified that when she purchased the subject property the two-car driveway had already been excavated and graded which she completed by pouring the concrete. Exhs. 2, 4 and 17 (A) thru (B).
 5. She further testified that a proposed single wide apron will be on the left side of the driveway. Exhs. 2, 4 and 17 (A) thru (B).
- .

6. Ms. Segovia stated that other driveways in the community were located beside the house to the rear of the properties. She stated she could not similarly locate her driveway because of the pre-existing location of the house. Exhs. 2, 4 and 17 (A) thru (B).

7. Petitioner explained that street parking spaces in the area are very limited.¹

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the lot, Petitioner being concerned about extremely limited street parking and the character (related to driveways) 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 9.3% net lot coverage and a waiver of the parking area location requirement to validate and obtain a building permit for an 18' x 19.5' driveway in the front yard of a semi-detached dwelling on the property located at Lot 22, Block B, Palmer Park Subdivision, being 7641 Muncy Road, 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

¹ Petitioner submitted revised plans demonstrating a partial reduction of the right side of the driveway (Exhs. 17 (A) thru (B) and provided additional photos showing a full grass area (Exh. 18). Board Members stated that because the additional photos demonstrated a sufficient grass area, no reduction of the driveway would be necessary.

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.