

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-146-16 Starla and Yohnnie Shambourger

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: December 14, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on December 21, 2016 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
Acting Administrator

cc: Petitioners
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

Petitioners: Starla and Yohnnie Shambourger

Appeal No.: V-146-16

Subject Property: Lot 16, Block A, Avondale Terrace Subdivision, being 1900 Ingraham Street, Hyattsville,
Prince George's County, Maryland

Witness: Gary Simms (Contractor)

Heard and Decided: December 14, 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, Petitioners request that the Board approve variances from Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side or rear 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 existing conditions and construct a new driveway. A variance of 1.7 feet side lot line 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 1945, contains 6,935 square feet, is zoned R-55 (One-Family Detached Residential), is improved with a single-family dwelling, side porch, rear addition, shed and located on a corner lot with the dwelling facing the legal front street. Exhibits (Exhs.) 2, 3 and 8(A) thru (F).

2. Petitioners would like to validate existing conditions and construct a new 10' x 20' driveway in front of the home. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling. Since part of Petitioner's driveway will be located in this area of the front yard, a waiver of the parking area location requirement was requested. Exh. 2

3. In addition, a variance of 1.7 feet side lot line setback for an accessory building was requested for the existing shed which is located .3 foot from the side lot line. Exhs. 2, 4(B) and 8(B) thru (E). Petitioner believes that the shed has been in the same location for 20 years. Exhs. 2 and 8(B) thru (E).

4. Petitioner Starla Shambourger testified that she would like to park her vehicle off the street as most of the other home owners do, for security reasons. Exh. 2.

5. Petitioner explained that she does not want to construct the driveway on the other side of the house because of the impact of the amount of traffic.

6. Petitioner described that a portion of the chain link fence will be removed and replaced with a gate at the driveway. Exhs. 2 and 4(A) and (B).

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

Due to the home being on a corner lot, the house being offset on the property, the traffic volume increasing on Ingraham Street, 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 1.7 feet side lot line for an accessory building and a waiver of the parking area location requirement in order to validate existing conditions and construct a new driveway on the property located at Lot 16, Block A, Avondale Terrace Subdivision, being 1900 Ingraham Street, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance 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.