

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-30-17 Angela Coombs

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: April 26, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on May 18, 2017, 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: 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: Angela Coombs

Appeal No.: V-30-17

Subject Property: Lot 5, Block G, Feldman's Addition to Woodlawn Subdivision, being 7014 Freeport Street, Hyattsville, Prince George's County, Maryland

Witness: Michael Coombs, Petitioner's Husband

Clairemonte Elvis, Engineer

Heard and Decided: April 26, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 construct a driveway in the front yard of a semi-detached dwelling. A variance of 1.6% 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 1950, contains 4,296 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and shed. The lot is narrow and long in shape. Exhibits (Exhs.) 2, 3, 4 (A) thru (B), 6, 8 (A) thru (11) and 11.

2. Petitioner would like to construct a 10' x 22' driveway, part of which would be located in front of the dwelling. Construction of the driveway would exceed the amount of lot coverage allowed. A variance of 1.6% net lot coverage was requested. Exhs. 2, 3, 4 (A) thru (B), 6, 8 (A) thru (11) and 11.

3. 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. Exhs. 2, 3, 4 (A) thru (B), 6, 8 (A) thru (11).

4. Mr. Michael Coombs, Petitioner's husband, testified that the subject property (right unit) as well as the adjoining (left unit) are rental properties. The left unit has an associated driveway and tenants have requested a similar driveway be added for the right unit. Exhs. 2, 4 (A) thru (B), 8, (A) thru (E).

5. He further explained that the proposed driveway would be the mirror image of the unit on the left. Exhs. 8 (A) thru (E).

6. Engineer Clairmonte Elves explained that the driveway will be 10 feet wide by 22 feet in length. He stated that the driveway will stop 3 feet from the house and the its width will extend 5 feet in front of the house and 5 - 6 feet from the property right side line. Exh. 2

7. Mr. Coombs added that a telephone pole is located at the right side of the property preventing the proposed driveway from being located closer to the property line.

8. DPWT regulations state the pole must be 5 feet away from the apron flare¹.

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, the location of a telephone pole limiting the placement for the proposed driveway, proposed driveway being the mirror image of the tenant unit on the left 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, by majority vote, Ms. Johnson absent, that a variance of 1.6% net lot coverage and a waiver of the parking area location requirement in order to construct a 10' x 22' driveway in the front yard of a semi-detached dwelling on the property located at Lot 5, Block G, Feldman's Addition to Woodlawn Subdivision, being 7014 Freeport Street, 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 DPWT Specification and Standards for Roadways and Bridges, Section III, 500.12.

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.