

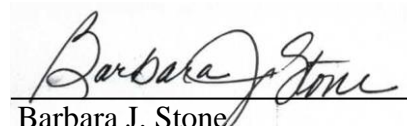
*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-96-17 Fidel Hernandez

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: September 27, 2017.

**CERTIFICATE OF SERVICE**

This is to certify that on October 24, 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  
Lewisdale Citizens' Association  
Ernesto Luna, Spanish Language Interpreter

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

Petitioners: Fidel Hernandez

Appeal No.: V-96-17

Subject Property: Lot 12, Block 25, Lewisdale Subdivision, being 2203 Hannon Street, Hyattsville,  
Prince George's County, Maryland

Spanish Language Interpreter Services: Ernesto Luna

Heard: September 13, 2017; Decided: September 27, 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(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. Petitioner proposes to validate an existing condition (shed location) and construct a driveway in the front yard. Variances of 1.5 feet side lot line setback and 2 feet rear 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 1953, contains 6,495 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. The existing dwelling was built in 1953. Exhibits (Exhs.) 2, 3, 7, 9 (A) thru (F) and 18.
2. Petitioner would like to construct a 20' x 28.6' driveway, part of which would be in front of the dwelling. Since 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 (A) thru (B) and 9 (A) thru (F).
3. An existing shed is located .5 foot from the side lot line and extends to the rear lot line. Variances of 1.5 feet side lot line setback and 2 feet rear lot line to validate an accessory building were requested. Exhs. 2, 9 (A) thru (F). and 18.
4. The Board previously denied variances in Appeal No. V-113-15 for construction of a driveway. Exh 5. In the prior denial, the Board requested that a 5-foot area being a garden area/flower bed, remain in the front yard. The revised site plan for the current variance demonstrates the 5-foot garden area/ flower bed between the house and the driveway. Exhs. 5 and 18.

5. Petitioner testified that the driveway is needed because Hannon Street is very narrow and parking space availability is extremely limited. Exhs. 2, 9, (A) thru (F) and 18.

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 narrow width of Hannon Street, 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, by majority vote, Ms. Anastasia Johnson abstaining, that variances of 1.5 feet side lot line setback and 2 feet rear 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 20' x 28.6' driveway in the front yard on the property located at Lot 12, Block 25, Lewisdale Subdivision, being 2203 Hannon 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 revised site plan, Exhibit 18.

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.