

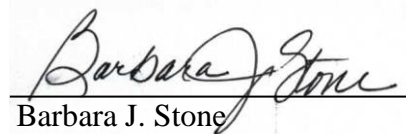
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-112-17 Grace and Robert Dorsey

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 25, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
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

Petitioner: Grace and Robert Dorsey

Appeal No.: V-112-17

Subject Property: Lot 18, Block H, Oaklyn Subdivision, being 6404 Old Landover Road, Hyattsville,
Prince George's County, Maryland

Heard and 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 a variance 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 a variance from Section 27-120.01(c) of the Zoning Ordinance, 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 extension in the front yard. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1906, contains 7,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits (Exhs.) 2, 3, 6 and 8 (A) thru (F).
2. Petitioner would like to construct a 10' x 25' extension to widen the existing driveway. Construction would lengthen the turn-around area, extending it the entire length of the existing driveway. Exhs. 2 4, 8 (A) thru (F).
3. 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. Since Petitioner's driveway will be in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 5, 8 (A) thru (F).
4. Petitioner Grace Dorsey Armstrong testified that Old Landover Road, which is a two-lane road, no longer has on-street parking spaces. She explained that the County constructed sidewalks in the on-street parking areas on her street. Exhs. 2 and 8 (A) thru (F).
5. She further testified that she currently has a single wide driveway, but with no on street parking available now there are no additional parking spaces available. Exhs. 2 and 8 (A) thru (F).

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 County making community improvements laying sidewalks on Old Landover Road, the removal of on-street parking spaces creating the need for off-street parking (driveways) 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 waiver of the parking area location requirement to construct a driveway extension in the front yard on the property located at Lot 18, Block H, Oaklyn Subdivision, being 6404 Old Landover Road, Hyattsville, Prince George's County, Maryland, be and is 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.