



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

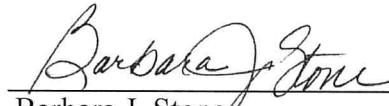
## *OF BOARD OF APPEALS*

RE: Case No. V-126-17 Donna Jackson

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: October 25, 2017.

## **CERTIFICATE OF SERVICE**

This is to certify that on November 2, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone  
Barbara J. Stone  
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: Donna Jackson

Appeal No.: V-126-17

Subject Property: Lot 17, Block P, Defense Heights Subdivision, being 4816 Trenton Road, Hyattsville, Prince George's County, Maryland

Heard and Decided: October 25, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from a 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 existing conditions and construct a driveway in the front yard. Variances of 9 feet front yard depth for the dwelling and 1 foot rear lot line setback for an accessory building, and a waiver of the parking area location requirement are requested.

**Evidence Presented**

1. The property was subdivided in 1950, contains 6,050 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 4, 7 and 9 (A) thru (F).

2. Petitioner would like to construct a 10' x 16' driveway, a part of which will be 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, and part of Petitioner's driveway will be in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 3, 5 (A) thru (D).

3. Subtitle 23, Roads and Sidewalk, Sec. 23-139 (a) (1) (B) (i) prescribes that driveways must be set back three and one/half feet ( $3\frac{1}{2}$ ) from the front/side property line. Petitioner is unable to construct the driveway on the opposite side of the property due to the neighbors having constructed their driveway partially on the Petitioner's property.

4. Petitioner testified that she has resided in the house for over 30 years and proposes to put in a driveway in her front yard for safety and security reasons. She is requesting permission to construct the proposed driveway so she can park closer to her house and notes that the development does not have sidewalks on either side of the street (to facilitate safety at night). Exhs. 2, 3, 5 (A) thru (D).

5. She stated that the adjoining properties on both sides of the subject property have driveways in the front yard. Exhs. 9 (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 need for security and absence of sidewalks, the proposed driveway not being an unusual size, the driveway having to be at least 3.5 from the left front / side property line, 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, unanimously, that variances of 9 feet front yard depth for the dwelling and 1 foot rear lot line setback for an accessory building, and a waiver of the parking area location requirement to validate existing conditions and construct a 10' x 16' driveway in the front yard on the property located at Lot 17, Block P, Defense Heights Subdivision, being 4816 Trenton Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.

## BOARD OF ZONING APPEALS

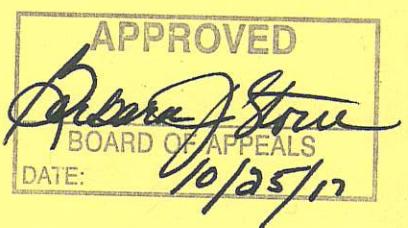
By:

  
Bobbie S. Mack, ChairpersonNOTICE

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:

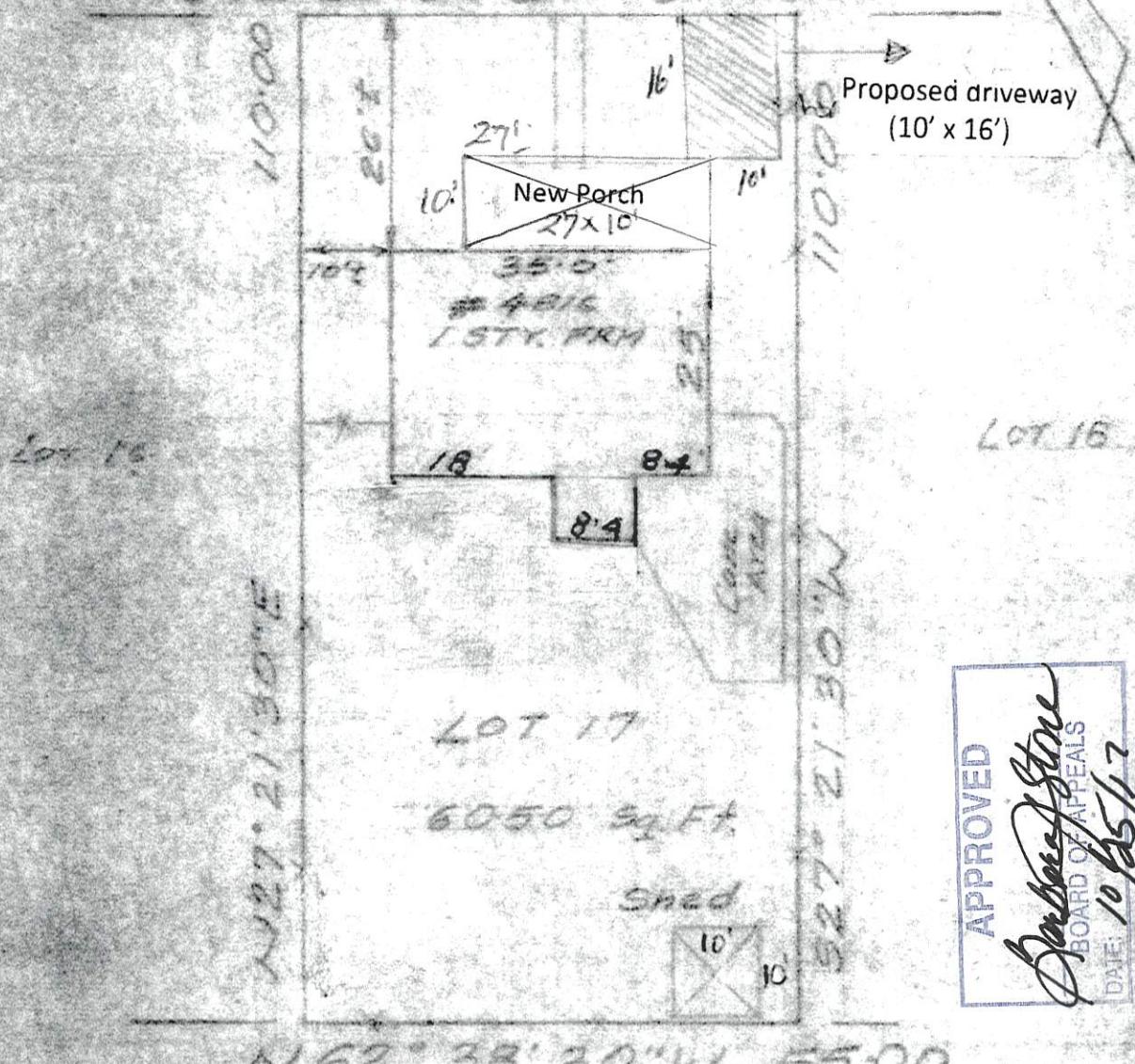
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.



EXH. # 3  
V-122-17

TRENTON ROAD

862°38'30"E 55.00



ENGINEERS  
SURVEYORS  
PLANNERS

**Yfhuis & Associates**  
3112 RHODE ISLAND AVENUE, N.E.  
WASHINGTON D.C. 20018

۷۸

THIS PROPERTY IS LOCATED IN ZONE 4, W.

ACCORDANCE WITH P.E.N.A. 1942

AND IS NOT IN A 100% TEAR EASY BAG.

DATUM 6/2/97

EXH. # 2  
V-126-17



**HOUSE LOCATION PLAT**

4313 TRENTON 3-241

DEFENSE REVIEW

Digitized by srujanika@gmail.com

19. *Leucania* *luteola* (Hufnagel) *luteola* (Hufnagel) *luteola* (Hufnagel)

## MARYLAND

CASE NO. 295813

卷之三

21. *note* *for*

www.ijerph.org

卷之三

2000-02

20

卷之三

卷之三

CERTIFICATION: I hereby certify that the plan shown herein is correct, and the buildings have been located by actual measurements. This is of a property line survey.

Compton & Vythuis