

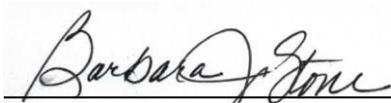
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-168-17 Joshua Ayers and Jacquelyn Gulick

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: January 10, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on January 22, 2018 , 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Hyattsville

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

Petitioners: Joshua Ayers and Jacquelyn Gulick

Appeal No.: V-168-17

Subject Property: Lot 78, George C. Zouras' Subdivision, being 4604 Burlington Road, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Ted Spenadel, Prior Property Owner

Heard and Decided: January 10, 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, Petitioners request 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. Petitioners propose to validate and obtain a building permit for a new driveway 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 1940, contains 5,750 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and, driveway. The property is located within the Gateway Arts District Development Overlay Zone, as well as the Chesapeake Bay Critical Area Overlay Zone, Lower Northeast Branch of the Anacostia Watershed. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).

2. The lot is long and narrow. Exh 2. A driveway will not fit to the side of the property. Exhs. 9 (A) thru (F).

3. Petitioners would like to obtain a building permit for a new 9.5' x 13.5' driveway, which is 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, and part of Petitioners' driveway is in the prohibited area, a waiver of the parking area location requirement was requested. Exhs. 2, 4, 9 (A) thru (F) and 11.

4. Mr. Ted Spenadel, the prior owner of the subject property, testified that he purchased the property as an investment and in the process of adding the driveway an inspector advised him that a permit was required because of the location of the driveway, which is in the front yard of the property. Mr. Spenadel provided photographs of neighborhood properties with driveways. Exhs. 2, 4 and 5.

5. Petitioner Joshua Ayers stated the driveway is approximately 12 feet from the house and the area between the driveway and house has greenery. Exhs. 2 and 4.

6. The City of Hyattsville stated that because the driveway does not violate the City's front yard lot coverage, it would refrain from issuing an opinion or comment. Exh. 15.

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 lot being long and narrow 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 obtain a building permit for a new 9.5' x 13.5' driveway in the front yard on the property located at Lot 78, George C. Zouras' Subdivision, being 4604 Burlington 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.