

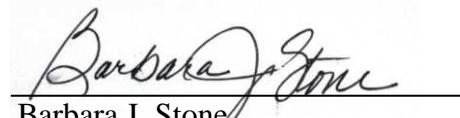
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-185-17 Jose Moreno and Carmen 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: January 24, 2018.

CERTIFICATE OF SERVICE

This is to certify that on February 9, 2018, 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
Ernesto Luna, Spanish Language Interpreter

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

Petitioners: Jose Moreno and Carmen Hernandez

Appeal No.: V-185-17

Subject Property: Lot 21, Block B, Palmer Park Subdivision, being 7639 Muncy Road, Hyattsville,
Prince George's County, Maryland

Spanish Language Interpreter Service: Ernesto Luna

Heard and Decided: January 24, 2018

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), 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 construct a driveway in the front yard of a semi-detached dwelling. 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 1954, contains 3,675 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling. Exhibits (Exhs.) 2, 3, 9, 10 and 11 (A) thru (F).

2. The shape of the lot is extremely long and narrow. Exhs. 2 and 3.

3. Petitioners would like to construct a 10' x 18' driveway, part of which would be in front of the dwelling. Exhs. 2, 4 (A) thru (F), 5, (A) thru (L) and 6 (A) thru (L).

4. 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 part of Petitioners' driveway will be in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 4 (A) thru (F), 5, (A) thru (L) and 6 (A) thru (L).

5. Petitioner Carmen Hernandez testified that there are many properties in the community with driveways. Exhs. 2, 4 (A) thru (F), 5, (A) thru (L) and 6 (A) thru (L).

6. She further testified that the fence and a portion of the retaining wall will be removed prior to the construction of the driveway but the steps and walkway will remain. Exhs. 2, 4 (A) thru (F), 5, (A) thru (L) and 6 (A) thru (L).

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 shape of the lot being extremely 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 construct a 10' x 18' driveway in the front yard of a semi-detached dwelling on the property located at Lot 21, Block B, Palmer Park Subdivision, being 7639 Muncy Road, Hyattsville, Prince George's County, Maryland, be and are 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.