

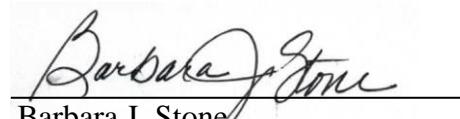
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-13-18 Jose Andrades and Antonia Guzman

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: April 25, 2018.

CERTIFICATE OF SERVICE

This is to certify that on May 7, 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
Leslie Bilchick, Spanish Language Interpreter

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

Petitioners: Jose Andrades and Antonia Guzman

Appeal No.: V-13-18

Subject Property: Lot 2, Block E, Mary Mason Village Subdivision, being 5203 60th Avenue, Hyattsville, Prince George's County, Maryland

Spanish Language Interpreter Services: Leslie Bilchick

Heard and Decided: April 25, 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 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, Petitioners request that the Board approve variances from Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking 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. Petitioners propose to construct a driveway in the front yard. A variance of 4.2% net lot coverage 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 1947, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).
2. The lot is very narrow, being only 50 feet wide. Exhs. 2 and 3.
3. Petitioners would like to construct a 10' x 25 ' / 7' x 15' driveway, part of which would be 4 feet in front of the dwelling. Construction of the driveway would exceed the amount of lot coverage allowed. A variance of 4.2% net lot coverage was requested. Exhs. 2, 4 (A) thru (B) and 12.
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 (B) and 12.
5. Petitioner Jose Andrades, who purchased the property 8 months ago, testified that both sides of the property were previously used as parking areas (consisting of grass) by the prior owners. Petitioners prefer

to construct a concrete driveway on the right-side area¹ and remove the other parking area on the left-side (which will reduce the net lot coverage to .5%). Exhs. 2, 4 (A) thru (B) and 18.

6. Petitioner stated that several other properties in the community have driveways. Exhs. 9 (A) thru (F).

7. Petitioner Antonia Guzman testified that 60th Avenue has a dead-end where vehicles need to back out which has caused Jose's car (parked on the street) to be damaged. 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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the lot, the requirement of a driveway being 3.5. feet from the side yard, the driveway being only the standard 10 feet in width, 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 variance of .5% net lot coverage and a waiver of the parking area location requirement to construct a 10' x 25 ' 7' x 15' driveway in the front yard on the property located at Lot 2, Block E, Mary Mason Village Subdivision, being 5203 60th Avenue, 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 19.

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.

¹ Section 23-139 of the County Code states that no residential driveway apron may be closer than three and one-half (3 1/2) feet to the nearest abutting property line.

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.