

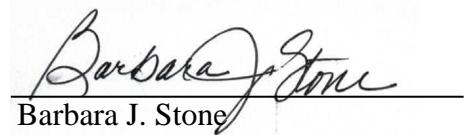
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-20-18 Josefina and Secundino Padron

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: May 23, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on June 4, 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
Avondale/North Woodridge Citizens' Association

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

Petitioners: Josefina and Secundino Padron

Appeal No.: V-20-18

Subject Property: Lot 1, Block 4, Avondale Grove Subdivision, being 4801 LaSalle Road, Hyattsville,
Prince George's County, Maryland

Witness: Denesi Padrone, Daughter of Petitioners
Elizabeth Pohlhaus, Neighbor

Heard: May 9, 2018; Decided: May 23, 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. A waiver of the parking area location requirement is requested.

Evidence Presented

1. The property was subdivided in 1937, contains 5,626 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is a corner lot with the dwelling facing the legal front street. Exhibits (Exhs.) 3, 4, 17, 18 and 19 (A) thru (F).

2. Petitioners would like to construct a 10' x 20' driveway in front of the dwelling. Exhs. 1, 2 and 20.

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 of Petitioners' driveway will be in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 3, 5 (A) thru (D), 9 (A) thru (C), 10 (A) thru (E) and 11 (A) thru (F).

4. Denesi Padrone, the daughter of Petitioners, testified that the parking pad in the far-right rear corner of the lot is unusable because it is in disrepair and the existence of an uprooted tree, which has caused unstable topography in that area on which her parents can safely walk. Ms. Padrone stated that the reason for the requested parking pad in the front yard is because the Petitioners, both in their 80's, require closer access to a (parked) vehicle. She further stated that she has had to use her neighbor's parking area to provide safe egress and ingress for her parents. Exhs. 3, 5 (A) thru (D), 9 (A) thru (C), 10 (A) thru (E) and 11 (A) thru (F).

5. Elizabeth Pohlhaus, 4803 Lasalle Road, testified that the proposed parking area will be located on her side of property line and cannot be positioned further to Petitioners' left side yard because of the existence of a tree (at the left front corner). She stated that the proposed front yard parking would not be out of character as other properties in the community, including her own property, have a driveway in the front yard. Ms. Pohlhaus believed that the proposed driveway will be easier and safer for the Petitioners to use. Exhs. 11 (A) thru (F).

6. Josefina Padrone and Secundino Padron both testified that their mobility is very limited and a parking area needs be closer to the house.

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 owners 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 a safer and closer parking area for Petitioners because of their lack of mobility, the existence of a tree at the front left corner of the lot, the original rear parking pad being in disrepair and dangerous to maneuver, 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 20' driveway in the front yard on the property located at Lot 1, Block 4, Avondale Grove Subdivision, being 4801 LaSalle 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 3.

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.

