



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-8-22 Judine E. Slaughter

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: June 8, 2022.

CERTIFICATE OF SERVICE

This is to certify that on September 2, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone". Below the signature, the name "Barbara J. Stone" is printed in a smaller, sans-serif font, followed by the title "Administrator".

cc: Petitioner
Adjoining Property Owners
M-NCPCC, 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: Judine E. Slaughter

Appeal No.: V-8-22

Subject Property: Lots 90 and 91, Block 4, Columbia Highlands Subdivision, being 6104 Osborn Road,
Hyattsville, Prince George's County, Maryland

Witness: Teresia Sokoto, Neighbor

Heard: March 9, 2022; Decided: June 8, 2022

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 a variance from Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 5,000 square feet. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-120.01(c) 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 (net lot area, front yard depth and waiver of the parking area location) and obtain a building permit for widening the driveway in front of the house. Variances of 1,508 square feet net lot area, 3 feet front yard depth and a waiver of the parking area location requirement were requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided by Record Plat 1@17 (date of plat unknown), contains 3,482 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 3, 4, 7, 8 and 9 (A) thru (G).

2. The subject property is exceptionally small being only 40 feet wide and 87 feet long with a square footage of only 3,482 square feet. This property is not located within the city limits of Hyattsville. Exhs. 3, 4, 7, 8 and 9 (A) thru (G).

3. Petitioner proposes to validate existing conditions (net lot area, front yard depth and waiver of the parking area location) and obtain a building permit for widening the driveway in front of the house.

Variances of 1,508 square feet net lot area, 3 feet front yard depth and a waiver of the parking area location requirement are required. Because the subject property was created approximately in the 1900s and the net lot area, the front yard setback and the parking area were created prior to 1946, the subject property does not meet the current Zoning Ordinance standards. Because the petitioner is now requesting to widen the driveway, the development triggers compliance of the entire property with today's zoning standards. Exhs. 3, 4, 7, 8 and 9 (A) thru (G).

4. Petitioner Judine Slaughter testified that she has owned her property for 31 years and is proposing to move the current driveway 6-feet away from the neighbor at 6102 Osborn Road to increase the driveway to a double driveway.

5. She testified that Osborne Road is extremely narrow. Exhs. 5 (I) thru (J).

6. She stated that the nearby neighbors at 6106 Osborne Road and 6108 Osborne Road have double driveways. Exh. 10 (A) thru (C).

7. The double driveway is needed because of an ongoing safety risk. She explained that across the street at 6103 Osborne Road is a driveway, when the neighbor is backing out of that driveway there is insufficient space for the neighbor to back out safely without hitting a car (including her car) parked on opposite side of the street. Exhs. 5 (I) thru (J).

8. Additionally she explained that the on-street parking is getting extremely worse on the narrow street. Exhs. 5 (I) thru (J).

9. The existing driveway is 10 feet wide; the new driveway dimensions will be 20' x 20'. Exhs. 3 and 5 (A) thru (L).

10. Petitioner submitted a site plan showing that on January 12, 2022, the Site/Road Division of the Department of Permits, Inspections and Examinations (DPIE), approved a double driveway apron. Exh. 22.

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.

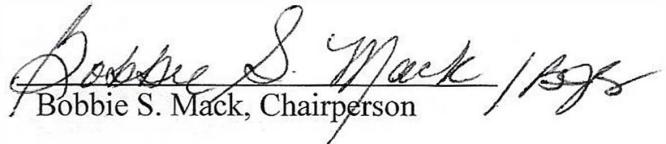
Findings of the Board

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 exceptional narrowness of Osborne Road, the lot being extremely narrow with minimum frontage to park in front of her house, DPIE's approval of double aprons 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 1,508 square feet net lot area, 3 feet front yard depth and a waiver of the parking area location requirement in order to validate existing conditions (net lot area, front yard depth and waiver of the parking area location) and obtain a building permit for widening the driveway in front of the house on the property located at 6104 Osborn Road, 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 22.

BOARD OF ZONING APPEALS

By: 
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.

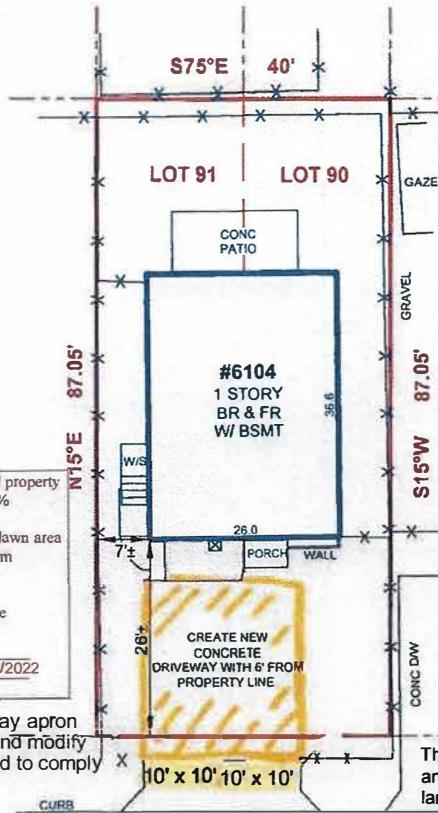


P.B. 11 @ 11

BOARD OF APPEALS

APPROVED JUN 08 2022


Administrator



OSBORN ROAD

 = NEW DRIVEWAY

THE LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES IS $2^{\prime \prime}$

LOCATION DRAWING OF:

**#6104 OSBORN ROAD
LOTS 90 & 91**

BLOCK 4

COLUMBIA HIGHLANDS

PLAT BOOK 1, PLAT 17

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 11-18-2021

DRAWN BY: AP FILE #: 2113805-200

LEGEND:

- FENCE
- BASEMENT ENTRANCE
- BAY WINDOW
- BRICK
- BUILDING RESTRICTION LINE
- BULKHEAD
- CONCRETE STOOP
- CONCRETE
- DRIVEWAY
- EXISTING
- FRAME
- GATE
- OVERHANG
- PUBLIC UTILITY ESMT
- PUBLIC IMPROVEMENT ESMT

COLOR KEY:

- (RED) - RECORD INFORMATION
- (BLUE) - IMPROVEMENTS
- (GREEN) - ESMTS & RESTRICTION LINES

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SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12 CHAPTER 09 13 06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING THIS PLAT IS GENERALLY FOR CONSUMER OWNERSHIP AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY. ITS USES ARE CONFINED TO THE PURPOSES FOR WHICH IT WAS DRAWN AND FOR THE PURPOSES FOR WHICH NO TITLE REPORT WAS FURNISHED TO IT OR DONE BY THIS COMPANY. NO PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED TEMPORARY MAY NOT BE SHOWN IF IT APPEARS ENCROACHMENTS MAY EXIST. A BOUNDARY SURVEY IS RECOMMENDED

DULEY & ASSOC.

WILL GIVE YOU A 100%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.

(EXCLUDING D.C. & BALTIMORE CITY)

EXH. # 22
V-8-22