



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

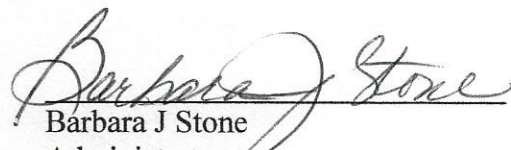
OF BOARD OF APPEALS

RE: Case No. V-14-20 Erika Poteat

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: September 23, 2020.

CERTIFICATE OF SERVICE

This is to certify that on November 9, 2020, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


Barbara J Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, 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: Erika Poteat

Appeal No.: V-14-20

Subject Property: Lot 21, Block D, Deer Park Heights Subdivision, being 3210 Dallas Drive, Temple Hills,
Prince George's County, Maryland

Heard and Decided: September 23, 2020

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. Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. 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. Petitioner proposes to validate an existing condition (front yard depth) and obtain a building permit for a proposed driveway partially located in front of the house. Variances of 3 feet front yard depth and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1952, contains 3,500 square feet, is zoned R-35 (One-Family Semidetached Residential) and is improved with a single-family dwelling. The dwelling was constructed in 1953. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).
2. Petitioner proposes to validate an existing condition (front yard depth) and obtain a building permit for a proposed driveway partially located in front of the house. A variance of 3 feet is needed to validate the front yard setback. In addition, a waiver of the parking area location requirement is needed. Exhs. 2 and 4 (A) thru (E).
3. Petitioner Erika Poteat testified that she purchased the subject property in October 2018 and a few months later, permit parking was initiated on surrounding streets. As a result, persons from Princeton Estates Apartment (and a nearby church) began parking vehicles in front of her house. She explained that there are at least 6 properties with driveways on her street with single and double driveways. She noted that one neighbor has a double driveway located partially in front of the dwelling. She contended that because of the restricted permit parking on neighboring streets, she cannot easily find close parking space on her street and now run the risk of getting a ticket for parking on surrounding streets. Exhs. 2 and 4 (A) thru (E).
4. Ms. Poteat explained that there is a tree on the right side of her front yard restricting the location of a driveway. In addition, she stated that the proposed apron will abut her neighbor's apron, thus impacting the location of the proposed driveway in the yard. Exhs. 2 and 4 (A) thru (E).
5. Petitioner further explained that she has a disability affecting her mobility.

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

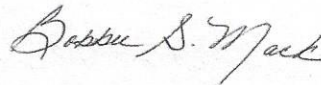
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the dwelling being a duplex limiting yard space obviating parking to the left of the dwelling, location of a tree in the front right yard affecting the location of the proposed driveway, surrounding streets requiring permitted parking which impacts prior available parking spaces on her street, Petitioner having a mobility disability causing difficult in walking (to and from her vehicle), side-by-side apron locations also limiting location of the driveway in the yard 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 3 feet front yard depth and a waiver of the parking area location requirement in order to validate an existing condition (front yard depth) to obtain a building permit for construction of a proposed driveway on the property located at 3210 Dallas Drive, Temple Hills., Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.

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.

VYFHUIS & ASSOCIATES

LAND SURVEYORS

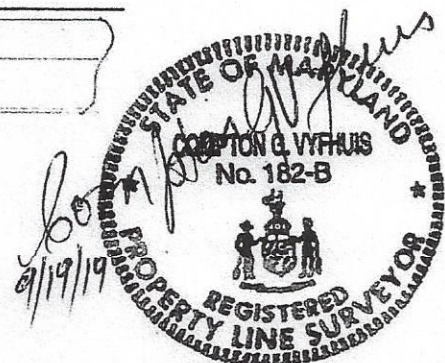
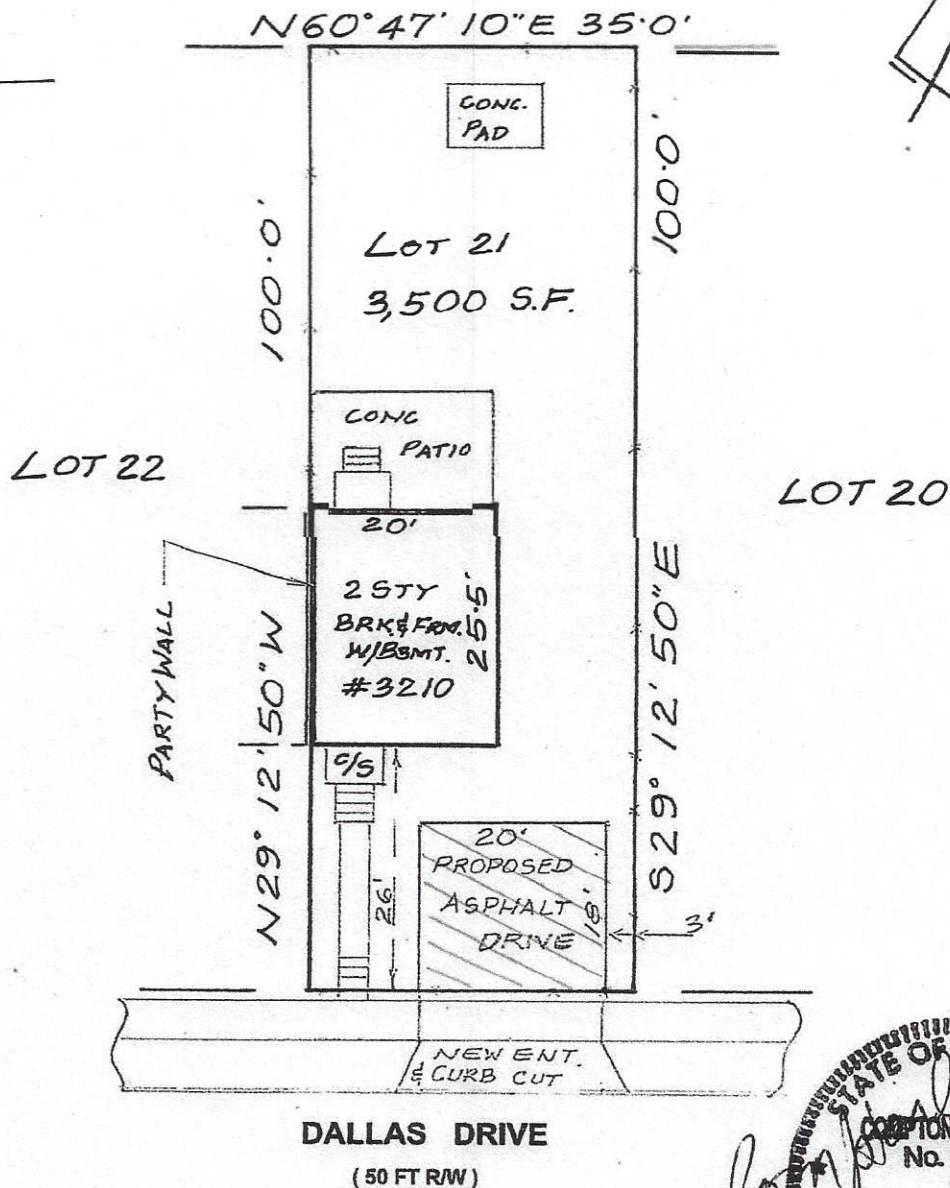
6518 BLAIR ROAD N.W.

WASHINGTON, DC, 20012 TELE. NO. 202 526 7702

BOARD OF APPEALS

APPROVED

[Signature]
ADMINISTRATOR



LOCATION SURVEY

3210 DALLAS DRIVE

LOT 21 BLOCK D

PLAT BK. 21 PLAT NO. 74

ADDITION TO

DEER PARK HEIGHTS

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1 INCH = 20 FT DATE: 9/19/2019

EXH. # **Exh. # 2**
V-14-20

SURVEYOR'S CERTIFICATION

WE HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY SHOWN
HEREON IN ACCORDANCE WITH THE RECORDED DESCRIPTION.
THE IMPROVEMENTS HAVE BEEN CAREFULLY LOCATED.

[Signature]
COMPTON G. VYFHUIS