



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-54-20 Shameka Johnson

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: February 24, 2021

CERTIFICATE OF SERVICE

This is to certify that on April 19, 2021, 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".

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: Shameka Johnson

Appeal No.: V-54-20

Subject Property: Lot 15, Block 6, Hillcrest Heights Subdivision, being 4129 24th Avenue, Temple Hills,
Prince George's County, Maryland

Heard: February 10, 2021; Decided: February 24, 2021

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 a variance from 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. 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 1951, contains 5,393 square feet, is zoned R-35 (One-Family Semidetached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).
2. The subject lot is extremely narrow and long, at 32 feet wide and 166 feet in length. The front of the property slopes uphill from the sidewalk. Exhs. 2 and 4 (A) thru (C).
3. Petitioner proposed to construct a 10' x 54.9' driveway which because of its location requires a waiver of the parking area location requirement. Exhs. 2 and 4 (A) thru (C).
4. Petitioner Shameka Johnson testified that she would like to install an apron and driveway, a portion of which will be located in front of house. The driveway will also be slanted from the side yard line in order to meet the requirements of Section 23-139 - Prince George's County Site Road Section. The location of a utility pole also influenced the partial front yard location of the driveway.
5. She further stated that approximately 2 years ago, she sustained a substantial injury from a car accident in which she had to learn how to walk again. It has become a very difficult for her to walk any distance, especially with having to carry items such as groceries.
6. She testified that her neighbor on the right side has a driveway to which the proposed driveway will be adjacent. Exhs. 2 and 4 (A) thru (C).
7. Petitioner submitted a revised site plan demonstrating a 3-foot reduction in the length of the driveway (to be more in character with the neighborhood) and adding retaining walls on both sides of the proposed driveway. Exhs. 2 and 4 (A) thru (C) and 17.

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

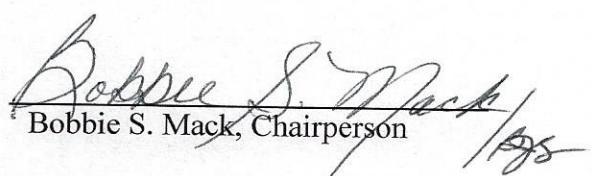
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the Petitioner's limited mobility caused by a severe car accident, the 3.5 feet side yard setback requirement pursuant to Section 23-139 - Prince George's County Site Roads Section, the location of a telephone pole further limiting placement of the driveway 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 a waiver of the parking area location requirement order to validate an existing condition (front yard depth) and obtain a building permit for a proposed driveway on the property located at 4129 24th Avenue, Temple Hills, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 17.

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.

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SHEET 1 OF 2

This is a two page document and is not valid without both pages. See page two (or reverse) for Survey Notes.



- 3.1 maximum slope allowed on residential property
- 7% maximum parking pad slope and 12.5% maximum driveway slope
- 2.5% minimum slope required on yard or lawn area 10' in 10' minimum slope of pad away from building is required

Approved for Soils, Grading, and Drainage

By: **MM** APPROVED
County ROW - Bond Required
Permit #: 35256-2020-0 Date: 2/23/2021
DPIE - Site/Road Plan Review Division

Condition of approval

The outside grade must be at least 3" below the bottom of the window and sloped away from the window/wall.

24TH AVENUE

5' minimum clearance between the pole and the flares of the driveway apron  32.00' Retaining wall both sides as needed 5291427E

Proposed driveway

25'

28.9'

21'

#4129
2 STORY
BRICK

28.9'

21'

PROPERTY LINE

LOT 14
BLOCK G
SECTION 4
HILLCREST
HEIGHTS.
WWW 19/27

560°45'33"E

166.69'N

140.40

LOT 16
BLOCK G
SECTION 4
"HILLCREST
HEIGHTS"
WWW 19/27

BOARD OF APPEALS

APPROVED FEB 24 2021

John Doe
ADMINISTRATOR



EXH. # 17
V-54-20

I hereby certify that the improvements shown hereon, to the best of my professional knowledge and ability, have been located by a transit, tape