



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

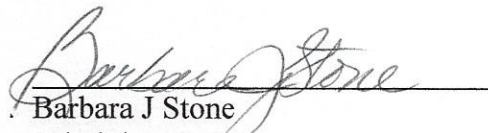
OF BOARD OF APPEALS

RE: Case No. V-66-20 Alexander Stewart and Amber Watson

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: March 3, 2021

CERTIFICATE OF SERVICE

This is to certify that on May 6, 2021, 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

Petitioners: Alexander Stewart and Amber Watson

Appeal No.: V-66-20

Subject Property: Lot 19, Block 22, University Park Subdivision, being 6609 Wells Parkway, Hyattsville,
Prince George's County, Maryland

Municipality: Town of University Park

Heard and Decided: March 3, 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 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 a variance from Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. 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. Petitioners propose to validate existing conditions (lot/width frontage and front yard depth) and obtain a building permit for the construction of a driveway partially in front of the house. Variances of 5 feet front building line width 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 in 1947, contains 8, 260 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, enclosed porch, brick patio and shed. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (H).

2. Petitioners propose to construct a driveway partially in front of the dwelling. In order to obtain a building permit, Petitioner must validate the front the front building line width which is short 5 feet of the 65 feet required by the Zoning Ordinance. In addition, because a portion of the driveway will be in front of the dwelling, a waiver of the parking area location requirement is needed. Exhs. 2, 3, 7, 8 and 9 (A) thru (H).

3. Petitioner Alexander Stewart testified that the construction the propped 10' x 25' driveway will be partially in front of their house.

4. Wells Parkway is 100 feet wide but narrows to 60 feet wide as well as dead ends where Petitioners live. Exh 3.

5. Site Roads Division, Section 23-139 - Driveway Entrance - states that a 3.5 feet side yard setback is required for a new driveway. Because of this requirement, the proposed driveway would have to be pushed proportionately into the front of the house. Petitioner explained that they were in the home for one year when they quickly realized that an off-street driveway was needed for family safety because Wells

Parkway is narrow, and street parking is restricted to one side of the road. He stated that the availability of on-street parking is very limited.

6. He stated that there was an existing apron that had been cut into the curb. He believed that when the Town of University re-paved the sidewalks for the (neighborhood) school, the curb cut was built in case the homeowner wanted to install a driveway.

7. Petitioner stated that it is unusual in this neighborhood to not to have a driveway. Exhs. 2 and 4 (A) thru (H).

8. The Town of University voted unanimously to approve the request for variances and noted that the addition of the proposed driveway would be consistent with the neighborhood and increase safety for pedestrians. Exh. 14.

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

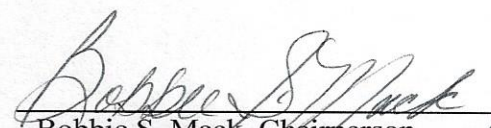
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to Section 23-139 - Driveway Entrance – requiring a the 3.5 feet setback for driveways in the side yard, the extreme lack of on-street parking, Wells Parkway is a dead-end, a pre-installed curb cut was constructed (perhaps by the Town of University Park) that fixated the location of any future driveway to the left side yard, the town noting that the proposed driveway will increase the safety of pedestrians 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 variances of 5 feet front building line width and a waiver of the parking area location requirement in order to validate existing conditions (lot/width frontage and front yard depth) and obtain a building permit for the construction of a driveway partially in front of the house on the property located at 6609 Wells Parkway, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exh. 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.

