

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

Petitioner: Charlotte Hu

Appeal No.: V-33-19

Subject Property Lot 3, Block A, College Heights Terrace Subdivision, being 7104 Claymore Avenue,
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Heard: May 22, 2019; Decided: July 17, 2019

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 variances from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 65 feet along the front building line and 65 feet along the front street line. Section 27-442(e)(Table IV) which prescribes that each lot shall have a side yard at least 8 feet in width. 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 existing conditions (property and dwelling) and obtain a permit to extend the driveway. Variances of 1-foot front building line width, 1-foot front street line width and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1955, contains 7,680 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, extended driveway. The property is located within the Gateway Arts District Development Overlay Zone. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (G).
2. Petitioner Charlotte Hu would like to expand the current (10' x 30') single wide driveway to a (20' x 30') double wide driveway. Because the driveway expansion will be located in front of the dwelling, a waiver of the parking area location requirement is necessary.¹ Exhs. 2 and 4 (A) thru (D).
3. Petitioner explained that for vehicular safety reasons the double wide driveway is requested, and other double driveways are located in the immediate neighborhood. Exhs. 2 and 4 (A) thru (D).
4. The City of Hyattsville Council supported the request for the proposed variances. Exh. 17.²

¹ The original driveway is already located partially in front of the dwelling. Exh. 2.

² On June 17, 2019 the City of Hyattsville issued Street Apron Permit # 19-060 for the subject property. Exh. 20.

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 need for additional and secure parking 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-foot front building line width, 1-foot front street line width and a waiver of the parking area location requirement in order to validate existing conditions (property and dwelling) and obtain a permit to expand the driveway on the property located at 7104 Claymore Avenue, 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, Exhibit 2.

BOARD OF ZONING APPEALS

(ORIGINAL SIGNED)

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.