

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

Petitioner: Rhonda Sabb

Appeal No.: V-61-19

Subject Property: Lots 2 and 3, Block 1, University Park Subdivision, being 6312 Baltimore Avenue,  
Prince George's County, Maryland

Municipality: Town of University Park

Heard: July 17, 2019; Decided: August 7, 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 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 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to repair and extend the existing driveway. Variances of 3 feet side yard width and 3% net lot coverage is requested.

**Evidence Presented**

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

1. The property was subdivided in 1923, contains 16,500 square feet, is zoned R-55 (One Family Detached, Residential) and is improved with a single-family dwelling, 2-story/3-car garage<sup>1</sup> and driveway which was constructed in 1931. Exhibits (Exhs.) 2, 3, 8, 9, 10 (A) thru (G)
2. Petitioner Rhonda Sabb would like to validate existing condition (the dwelling's side yard setback) and repair and expand the existing driveway. Exhs. 2, 4 (A) thru (H).
3. Petitioner testified that the existing driveway is full of cracks and potholes. She would like to repair and replace the driveway with a top layer of new asphalt. With the expansion of the driveway, she stated she would be better able to maneuver the vehicles. Exhs. 2 and 4 (A) thru (H).
4. The Town of University Park recommended granting the proposed variances. Exh. 21.

**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

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<sup>1</sup> Appeal 6329 granted May 12, 1982. The Board resolved that a variance of seven feet, five and one half inches from the height requirement for accessory building in order to construct a second story addition over the existing garage, with the condition that the workshop and studio are not used as a residence and in the event the room is vacated by the Petitioner, said workshop and/or studio shall not be rented or leased in any manner. Building permit 224-82-RGU was approved by M-NCPPC on May 27, 1982. Exh. 5.

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 poor condition of the existing 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 variances of 3 feet side yard width and 3% net lot coverage in order to validate an existing condition (dwelling) and expand the existing driveway on the property located at 6312 Baltimore Avenue, 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: \_\_\_\_\_

(ORIGINAL SIGNED)

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.