

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

Petitioners: Deborah and Anton Downs

Appeal No.: V-68-18

Subject Property: Lot 3, Block C, District Heights Subdivision, being 7305 Kipling Parkway, District Heights, Prince George's County, Maryland

Municipality: City of District Heights

Heard: October 9, 2019; Decided: November 6, 2019

Board Members Present and Voting: Bobbie Mack, Chair

Albert C. Scott, Vice Chairman

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 variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth and 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. Petitioners propose to validate an existing condition (dwelling) and construct a driveway extension in the front yard. Variances of 1-foot front yard depth 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 1958, contains 13,913 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling (with a front covered porch), driveway and shed. Exhibits (Exhs.) 2, 3, 8 and 9 (A) thru (G).

2. The shape of the property is long and narrowing at the rear of the property. Exhs. 2, 3, 8 and 9 (A) thru (G). The lot is 231 feet in length and 68' wide. Exh. 2

3. Petitioners would like to expand the existing driveway with an addition of 10' x 16'. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling. Since part of Petitioner's driveway will be located in the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 3 and 4 (A) thru (N).

4. It was stated that the driveway cannot be expanded in any other location because of the narrowness of the lot and the existing width of the dwelling. Exhs. 2, 3 and 4 (A) thru (N).

5. Mr. Anton Down testified that he cannot expand the length of the driveway due to the limited distance between the property line and the dwelling. He stated most homes in the area have sufficient yard space to extend run their driveways in the side yard next to their house.¹ The proposed expansion will stop at

¹ The left side yard is only 5-feet. Exh. 2.

the walkway leading to the front door. The reason given for the proposed driveway is to facilitate additional off-street parking because Kipling Parkway is a main thoroughfare and the traffic is very busy and unsafe. Exhs. 2, 3 and 4 (A) thru (N).

6. The City of District Heights supported the requested variance and waiver. Exhs. 16 and 18.

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 lot being long and narrow, the location of the dwelling, an elongated driveway cannot be placed beside the dwelling, 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 1-foot front yard depth and a waiver of the parking area location requirement in order to validate an existing condition (dwelling) and construct a driveway extension in the front yard on the property located at 7305 Kipling Parkway, District Heights, 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.