

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

Petitioner: Evelyn Wheeler and Tracey Scott

Appeal No.: V-75-19

Subject Property: Lot 4, Glassmanor Subdivision, being 5119 Glassmanor Drive, Forest Heights,
Prince George's County, Maryland

Witnesses: Monique Zaloz, General Contractor, Strategies First Construction
Walter Garcia, Tenant

Heard and Decided: September 4, 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(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. 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. Petitioner proposes to construct a driveway partially in front of the house. A variance of 6.4% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1959, contains 3,685 square feet, is zoned R-20 (One-Family Semi-Detached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 3, 8, 9 and 10 (A) thru (G).
2. Petitioner would like to construct a single wide driveway, although a portion of the driveway will be located in front of the house which necessitates the waiver. Exhs. 2, 5 (A) thru (F).
3. Contractor Monique Zaloz testified that a building permit was submitted to install a 10' x 30' driveway and an apron has also been submitted. Soil Grading and Drainage permit has been approved.
4. The Department of Permitting Inspections and Enforcement (DPIE), Site Roads Section has requested that an offset of 3 feet be provided between the driveway and the adjoining property line (abutting lot 5). With the inclusion of the offset, a waiver of the parking area location is required. Exhs. 2 and 5 (A) thru (F).
5. A revised site plan was submitted, and the proposed driveway will be reduced to 10.71' x 25'. Exh. 17.
6. Walter Garcia stated that neighboring properties have driveways and there is a scarcity of street parking spaces. He opined that the driveway will provide safety for his wife. Exhs. 2, 5 (A) thru (F) 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 required adjustment to the driveway location, the need for a safe and secure area parking area 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 a variance of 6.4% net lot coverage and a waiver of the parking area location requirement in order to construct a driveway on the property located at 5119 Glassmanor Drive, Forest Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17.

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.

