

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

Petitioner: James Jackson

Appeal No.: V-84-19

Subject Property: Lot 7, Block A, Queens Chapel Manor Subdivision, being 2907 Jamestown Road,
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Heard: September 18, 2019; Decided: October 9, 2019

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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, 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 55 feet measured along the front building line. Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. 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 building permit for unauthorized construction of a driveway in front of the house. Variances of 4.5 feet front building line width, 4.5 feet front yard depth, 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 1941, contains 5000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits 2, 3, 8, 9 and 10 (A) thru (F).
2. Petitioner would like to validate and obtain a building permit for the unauthorized constructions of a 10' x 24' driveway which is located in front of the dwelling.¹ Petitioner also requested validation of the front building line as the minimum front building line requirement is 55 feet. A variance of 4.5 feet front building line width is required. In addition, the minimum allowable front yard depth is 25 feet. With the front porch, the front yard depth is 20.5'. A variance of 4.5 feet front yard depth is required. Exhs. 2 and 4 (A) thru (J).
3. Petitioner James Jackson testified that he is the only homeowner on the street that does not have a driveway. He emphasized that all of the properties on both sides of the street have driveways and the lots have the same size. Exhs. 2, 4 (A) thru (J) and 18.
4. The City Council of Hyattsville supports the proposed variance. Exh. 20.

¹ The City of Hyattsville issued a Warning Notice of June 10, 2019 regarding the construction of the driveway. Exh. 7. Petitioner testified that he subsequently obtained a permit from the City of Hyattsville (Permit # 19-091). Exh. 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 narrowness of the lot, the need for off-street 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 4.5 feet front building line width, 4.5 feet front yard depth, and a waiver of the parking area location requirement in order to validate existing conditions (property and dwelling) and obtain a building permit for unauthorized construction of a driveway on the property located at 2907 Jamestown Road, 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, Exhibits 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.