

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

Petitioner: Roberto Navarro

Appeal No.: V-97-19

Subject Property: Lot 4, Block B, Parkside Subdivision, being 2404 Woodberry Street, Hyattsville,
Prince George's County, Maryland

Witnesses: Emily Ramirez, Petitioner's daughter
Shani Boone, Neighbor

Heard and Decided: October 23, 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 27-120.01(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 obtain a building permit for unauthorized construction of a driveway extension in the front yard. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 8,642 square feet, is zoned R-R (One-Family Detached Residential) and is improved with a single-family dwelling, and a driveway extension. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).
2. The subject lot is a corner lot with the legal front street being 25th Avenue. The dwelling facing the legal side yard (Woodberry Street). Exhs. 2, 3, 7, 8 and 9 (A) thru (F).
3. Petitioner would like to validate an existing driveway extension, a portion of which is located in front of the dwelling. A waiver of the parking area location is requested. Exhs. 2, 4 (A) thru (F), 16, 17 and 18.
4. Emily Ramirez explained that Petitioner received a Correction Order (dated March 22, 2019) related to the expanded driveway for which Petitioner is now requesting a variance. She stated that Petitioner and his neighbor on the right side share a driveway apron. The neighbor's driveway is adjacent to Petitioner's driveway. Exhs. 2, 4 (A) thru (F), 6, 16, 17 and 18.
5. Petitioner Roberto Navarro explained he expanded the driveway area closest to the street by adding an area of 3 feet x 8 feet on the left side of the driveway. He stated that because of the location of a fence along the driveway, his car doors would hit the fence. Petitioner stated that he resolved the problem by moving the fence back 3 feet and expanding the driveway by 3' x 8'. Exhs. 2, 4 (A) thru (F), 6, 16, 17 and 18.

6. Shani Boone, (6807 25th Avenue) stated that she lives across the street from the Petitioner. One of her concerns is that Petitioner is trying to fit more cars in his driveway because of parking issues in the neighborhood.

7. Petitioner stated that only one car will park on the expanded driveway.

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 property being a corner lot with the dwelling facing the legal side yard, Petitioner's inability to open his car door in the original driveway because of the proximity of an existing fence (as well as the neighbor's adjoining 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 a waiver of the parking area location requirement in order to obtain a building permit for unauthorized construction of a driveway extension on the property located at 2404 Woodberry Street, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance 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.