

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

Petitioner: Donald Ashby

Appeal No.: V-101-19

Subject Property: Lot 18, Block H, University Hills Subdivision, being 3318 Gumwood Drive, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Monique Outerbridge, Friend

Heard and Decided: November 6, 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 a variance from Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. 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 validate existing conditions (property and dwelling) and obtain a building permit for unauthorized construction of a driveway. Variances of 4 feet front building line width, 4.5 feet 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 1947, contains 7,982 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).
2. Petitioner would like to obtain a building permit for the construction of an unauthorized driveway. Because the dwelling was constructed in 1950 and does not meet current zoning requirements, variances of 4 feet front building line and 4.5 feet front yard depth were requested for the dwelling and lot. Because the Petitioner constructed the driveway in front of the dwelling, a waiver of the parking area location was also requested. Exhs. 2, 3, 4 (A) thru (H).
3. Petitioner testified that he constructed a driveway in front of his house because the driveway would not be able to be installed on the left side of the property because of a storm drain.¹ He explained that the driveway is needed because he lives across the street from the University of Maryland where students park everywhere on the street all the time. Petitioner stated that he is currently active duty Army, and when deployed, he would prefer his vehicle is parked off the street. Exhs. 2 and 4 (A) thru (H).

¹ The driveway is located approximately 6 feet in front of the dwelling. Exh. 2.

4. Mr. Ashby informed the Board that the driveway apron already existed prior to construction of the driveway and that the majority of the properties in the neighborhood have driveways. Exhs. 2 and 4 (A) thru (H).

5. The City of Hyattsville City approved the requested variances. Exh. 15.

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 existence of a storm drain on the left sign of the property, the need to have the vehicle in close proximity to 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 4 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 3318 Gumwood Drive, 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, Exh. 2 and approved elevation plan, Exh. 3.

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.