

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

Petitioner: Salvador Hernandez

Appeal No.: V-118-19

Subject Property: Lot 6, Block K, Ray Park Estates Subdivision, being 1105 Raydale Road, Hyattsville, Prince George's County, Maryland

Heard and Decided: January 8, 2020

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 27-120.01(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 obtain a building permit for a proposed construction of a driveway extension in front of the house. 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 1957, contains 9,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).

2. Petitioner would like to construct a driveway extension on the left side of the existing driveway. The existing driveway is already partially in front of the dwelling and the extension¹ will further impinge in front of the dwelling. Exhs. 2, and 4 (A) thru (G).

3. Petitioner Salvador Hernandez stated concrete has already been poured but has not been completed. A retaining wall will be included around the driveway to contain the soil. He testified that he lives very close (less than a block) to a school (Ridgecrest Elementary). He further testified that the children's parents park their vehicles in front of his house every morning and afternoon to drop off or pick up the children. He added that his vehicles have been hit twice. Most of the properties in the community have driveways. Exhs. 2, 4 (A) thru (G) and 15.

¹ Section 23-139 Driveway Entrance states that new driveways typically must be located 31/2 feet from the front side property line.

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 Petitioner's property being in close proximity to a school resulting in daily on-street parking issues, the Department of Permitting, Inspections and Enforcement Site Road Section requirement that a driveway must be located 3 ½ feet from the front side line 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 construction of a proposed driveway extension in front of the dwelling on the property located at 1105 Raydale Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 15.

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.

