

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

Petitioner: Jose Luna Torres

Appeal No.: V-121-19

Subject Property: Lot 13, Block O, Palmer Park Subdivision, being 8110 Allendale Drive, Landover,
Prince George's County, Maryland

Heard: January 8, 2020; Decided: January 22, 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) 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 a proposed construction of a driveway. 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 1951, contains 4,891 square feet, is zoned R-35 (One-Family Semidetached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 3, 6, 7, and 8 (A) thru (F).
2. The subject property being developed as a semidetached dwelling; the lot frontage is very narrow at only 35-feet. Exhs. 2 and 3.
3. Petitioner would like to construct a 10' x 25' driveway in front of the dwelling on the right side which requires a waiver of the parking area location. Exhs. 2, and 4 (A) thru (G).
4. Petitioner Jose Torres stated that the property does not have a driveway but other properties in the neighborhood have driveways, including the lot next to his. He stated that he would like to have off-street parking because he has young children and the traffic is heavy on Allendale Drive. The driveway will be in front of the house by 5 feet. Exh 2.
5. Section 23-139 Driveway Entrance, states that new driveways typically must be located 3 ½ feet from the front side property line.
6. Mr. Torres revised his site plan to provide a 3-foot planter/buffer between the house and the driveway (plus a 1.5 foot retaining wall). Exhs. 4 (A) thru (G) and 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 narrowness of the lot, the constant and substantial traffic on Allendale Drive, the need to protect young children entering and exiting a vehicle, the requirement to construct driveways 3 ½ feet from the front side property 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 a proposed construction of a driveway on the property located at 8110 Allendale Drive, Landover, 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

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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.