

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

Petitioner: Eugenia Davis

Appeal No.: V-145-19

Subject Property: Lot 41, Block 3, Palmer Park Subdivision, being 7872 Burnside 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 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioner proposes to validate an existing condition (front yard) and obtain a building permit for an unauthorized construction of a driveway. Variance of .9-foot front yard depth is requested.

**Evidence Presented**

1. The property was subdivided in 1957, contains 3,929 square feet, is zoned R-20 (One-Triple - Attached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (G).
2. Petitioner is requesting validation of an existing condition (front yard setback) in order to obtain a building permit for the construction of a driveway for off-street parking. The dwelling, which was constructed in 1955, does not meet current front yard setback requirements, therefore, a variance of .9 feet front yard depth is requested. Exhs. 2, and 4 (A) thru (P).
3. Petitioner Eugenia Davis stated that she did obtain a permit for the driveway, although, the inspector requested she revise her permit and site plan to include a 10' x 4' stoop. Exhs. 2 and 4 (A) thru (P).

**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 existing location of the dwelling being built in 1955, the de minimis variance requested 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 variance of .9-foot front yard depth in order to validate an existing condition (front yard depth) and obtain a building permit for an unauthorized construction of a driveway on the property located at 7872 Burnside 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 site plan, Exhibit 2.

BOARD OF ZONING APPEALS

By:

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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.