



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

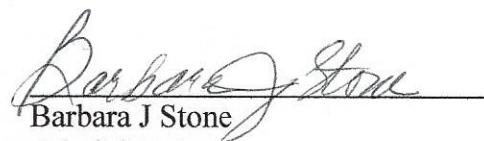
## *OF BOARD OF APPEALS*

RE: Case No. V-171-19 Yanira del Carmen Lopez

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: July 14, 2021.

## **CERTIFICATE OF SERVICE**

This is to certify that on 9/13/2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
\_\_\_\_\_  
Barbara J Stone  
Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting

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

Petitioner: Yanira del Carmen Lopez

Appeal No.: V-171-19

Subject Property: Lot 13 and Block G, Kentland Subdivision, being 2406 Fire House Road, Hyattsville, Prince George's County, Maryland

Heard: June 9, 2021; Decided: July 14, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Present

Albert C. Scott, Vice Chairman - Present

Anastasia T. Johnson, Member - Absent

**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 is proposing to obtain a building permit for the construction of proposed driveway partially 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 1949, contains 5,667 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, patio and shed. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).

2. The subject property is irregular in shape with the rear lot line being angled. The left-side property line is 81 feet in length and the right-side property line is 125 feet in length. Exhs. 2, 3, 6, 7 and 8 (A) thru (F).

3. Petitioner is proposing to obtain a building permit for the construction of a driveway that will be located partially in front of the house. She stated that because of the location of existing utility pole on the right side of the property, the proposed driveway must be shifted to the left which will place a portion of the driveway in front of the house.<sup>1</sup> As such, a waiver of the front yard driveway location is required. Exhs. 2, 3, 6, 7 and 8 (A) thru (F).

4. Petitioner Yanira del Carmen Lopez testified that the issue with construction of the driveway on her lot, is that there is currently a utility pole to the right of her property. Site Roads regulations state a driveway must be at least 5' from the utility pole, which pushes the entrance of her driveway in front of the house. testified that many neighbors have driveways. Exhs. 2 and 4 (A) thru (G).

5. Petitioner has submitted a revised site plan demonstrating the dimensions of the proposed driveway. Exh. 19.

<sup>1</sup> Site Road Division of Department of Permitting, Inspections and Enforcement requires a driveway be built at least 5 feet from a utility pole per Section 23-139.

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 right-side yard location of an existing utility pole, the requirement that a driveway must be located at least 5 feet from the utility pole, the desire to place the proposed driveway on the right side of the property 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, by majority vote, Ms. Anastasia Johnson absent, that A waiver of the parking area location requirement in order to obtain a building permit for the construction of proposed driveway partially in front of the house on the property located at 2406 Fire House 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 19.

## BOARD OF ZONING APPEALS

By:

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.

THIS DOCUMENT IS CERTIFIED TO:

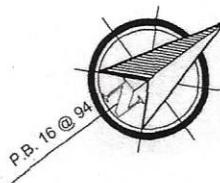
COSMOPOLITAN



CASE #: \*\*\*\*



COSMOPOLITAN



N01°15'40"W  
70.39'



Approved for Soils, Grading  
and Drainage

By: Amie 10/18/19  
Date

Permit #: 49349-2019-00

only for driveways

- 3.1 Maximum Slope Allowed  
Residential Property

- 7% Maximum Parking Pad Slope  
and 12.5% Maximum Driveway

- 2.5% Minimum Slope Required  
On Yard or Lawn Areas, 10' in 10'  
Minimum Slope of Pad Away From  
Building is 2%.

Building is 2%.

N52°39'10"W  
81.07'

FIRE HOUSE ROAD

S37°20'50"W  
55.00'



## BOARD OF APPEALS

APPROVED JUL 14 2021

ADMINISTRATOR

LOCATION DRAWING OF:

#2406 FIRE HOUSE ROAD

LOT 13

BLOCK G

"KENTLAND"

PLAT BOOK 16, PLAT 94

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 09-23-2019

DRAWN BY: B.G./CP FILE #: 197931-737

### LEGEND:

X - FENCE  
BIE - BASEMENT ENTRANCE  
BWW - BAY WINDOW  
BR - BRICK  
BRL - BLDG. RESTRICTION LINE  
BSMT - BASEMENT  
CGS - CONCRETE STOOP  
CONC - CONCRETE  
DW - DRIVEWAY  
Ex - EXISTING  
FR - FRAME  
MAC - MACADAM  
G - GATE  
OH - OVERHANG  
PUE - PUBLIC UTILITY ESMT.  
PIE - PUBLIC IMPROVEMENT ESMT.

COLOR KEY:  
(RED) - RESTRICTION INFORMATION  
(BLUE) - IMPROVEMENTS  
(GREEN) - ESMTS & RESTRICTION LINES

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### SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION, THE DRAWING, AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 12, REGULATION 12, CHAPTER 00.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. IT IS THE DUTY OF THE CONSUMERS TO ASK AS IS REQUIRED BY THE LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT TO CONFIRM THAT THE INFORMATION CONTAINED THEREIN IS ACCURATE AND RELEVANT. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1". NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

EXH. # 2  
V-171-19

### DULEY & ASSOC.

WILL GIVE YOU A 100%  
FULL CREDIT TOWARDS  
UPGRADING THIS  
SURVEY TO A  
"BOUNDARY/STAKE"  
SURVEY FOR ONE  
YEAR FROM THE DATE  
OF THIS SURVEY.

(EXCLUDING D.C. & BALT. CITY)