

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

Petitioners: Jorge Pinto and Dina Sagastume

Appeal No.: V-33-18

Subject Property: Lot 3, Block P, Defense Heights Subdivision, being 4807 Rockford Drive, Hyattsville, Prince George's County, Maryland

Spanish Language Interpreter Services: Leslie Bilchick

Heard: June 13, 2018; Decided: June 27, 2018

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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side lot line; and 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. Petitioners propose to validate existing conditions (existing dwelling, shed) and construct a driveway in the front yard. Variances of 3 feet side yard width for the dwelling, 1 foot side lot line setback for an accessory building and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1950, contains 6,043 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. The lot size being 6,043 square feet is small, with a frontage of 55 feet. Exhs. 2 and 3.
3. Petitioners would like to construct a 20' x 26' driveway, part of which will be located in front of the dwelling. As Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling, a waiver of the parking area location requirement was requested. Exhs. 2, 4 (A) thru (F) and 10.
4. The covered porch on the side of the dwelling is located 5 feet from the side lot line and the shed is located 1 foot from the side lot line. Variances of 3 feet side yard width for the dwelling and 1-foot side lot line setback for an accessory building were requested, respectively. Exhs. 2, 4 (A) thru (F) and 10.
5. Petitioner Dina Sagastume testified that they would like to install a 20' x 26' driveway for reasons of safety and the proposed driveway would not be out of character with the neighborhood. Exhs. 2, 4 (A) thru (F) and 8 (A) thru (F).
6. Ms. Dina Sagastume agreed to reduce the proposed double driveway to a one-car driveway, revising the dimension to 12' x 23'. In addition, she agreed to install a 3-foot green area between the proposed driveway and the dwelling. Exh. 19.

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 lot size being very small, the narrowness of the lot, the need for safety, 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 3 feet side yard width for the dwelling, 1 foot side lot line setback for an accessory building and a waiver of the parking area location requirement in order to validate existing conditions (existing dwelling, shed) and construct a 20' x 26' driveway in the front yard on the property located at Lot 3, Block P, Defense Heights Subdivision, being 4807 Rockford 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 revised site plan, Exhibit 19.

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

Bobbie S. Mack, ChairpersonNOTICE

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.