

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

Petitioner: David Moreno

Appeal No.: V-43-18

Subject Property: Lot 21, Block 7, Lewisdale Subdivision, being 6905 23rd Avenue, Hyattsville,
Prince George's County, Maryland

Witness: Martha Orellana, Wife

Heard: June 13, 2018; Decided: July 25, 2018

Board Members Present and Voting: 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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth 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. Petitioner proposes to validate an existing condition (dwelling) and construct a driveway in the front yard. A variance of 4 feet front yard depth and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1946, contains 6,330 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).

2. Petitioner would like to construct a 16' x 22' driveway, a portion of which would be located in front of the dwelling. Since 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 (D), 5 and 10.

3. The existing covered front porch is located 21 feet from the front street line. A variance of 4 feet front yard depth was requested. Exhs. 2, 4 (A) thru (D), 5 and 10.

4. Petitioner David Moreno initially requested to construct a two-car driveway on his property but modified his request for one parking space. Exh. 18. He testified that properties in the immediate area have driveways. Exhs. 4 and 5 and 13.

5. Section 23-129 (a) (B) (i) specifies that driveways cannot be closer than three and one-half (3 1/2) feet to the nearest abutting 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 new driveways being required to be located 3.5 feet from the side yard line, 23rd Avenue being a heavily traveled road, the safety of the children 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. Bobbie Mack absent, that a variance of 4 feet front yard depth and a waiver of the parking area location requirement in order to validate an existing condition (dwelling) and construct a 10' x 22' driveway in the front yard on the property located at Lot 21, Block 7, Lewisdale Subdivision, being 6905 23rd Avenue, 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 18.

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

Albert C. Scott, Vice Chairman

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.

