

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

Petitioner: Ruben Lopez

Appeal No.: V-69-18

Subject Property: Lot 62, Block O, Palmer Park Subdivision, being 8136 Allendale Drive, Hyattsville, Prince George's County, Maryland

Heard and 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 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) of the Zoning Ordinance, 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 construct a driveway in the front yard of a semi-detached dwelling. 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 1954, contains 3,850 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a single-family semi-detached dwelling. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).

2. The property shape is very long and narrow with a grade incline from the front to the rear yards. Exhs. 2, 3 and 4 (A) thru (B).

3. Petitioner would like to construct a 10' x 27' driveway, 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 (B) and 10.

4. Petitioner Ruben Lopez testified that he would like to construct a driveway in the front yard. He purchased the property three years ago. When he arrives home from work there are no parking spaces. He would have to park three blocks away. That is not a problem for him, although his daughter who is 10 years old, has a serious medical condition where she must be rushed to the hospital. Having to walk so far to retrieve the car takes too much time when she needs emergency services as soon as possible. Exhs. 2 and 4 (A) thru (B).

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 his daughter having a medical condition, the incline topography of his 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. Bobbie Mack absent, that a waiver of the parking area location requirement in order to construct a 10' x 27' driveway in the front yard of a semi-detached dwelling on the property located at Lot 62, Block O, Palmer Park Subdivision, being 8136 Allendale Drive, 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: (ORIGINAL SIGNED)

Albert C. Scott, 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.