

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

Petitioner: Ketty Constant

Appeal No.: V-73-18

Subject Property: Lot 25, Block E, Schrom Hills Subdivision, being 7407 Wilhelm Drive, Lanham,
Prince George's County, Maryland

Witness: Amina Hamid, Grand Daughter

Heard and Decided: August 29, 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, 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 one side yard 9 feet in width 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 existing conditions (dwelling, driveway) and obtain a building permit for a new driveway extension in the front yard. A variance of 4 feet right side yard width and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1960, contains 10,076 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 7,8 and 9 (A) thru (F).
2. The lot is an unusual shape with the rear property line being slanted. Exhs. 2 and 3.
3. Petitioner would like to obtain a building permit for a new 8' x 20' driveway extension, which is 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 (G) and 10.
4. The covered stoop on the right side of the dwelling is located 5 feet from the side lot line. A variance of 4 feet right side lot line setback was requested. Exhs. 2, 4 (A) thru (G) and 10.
5. Petitioner's granddaughter, Amina Hamid, explained that the original driveway was already in the front yard when constructed over 20 years prior to the Petitioner purchasing the property. The expansion (which was also partially in the front yard) was constructed to the right of the original driveway. She stated that Petitioner repaved the concrete because it was cracking. Exhs. 2 and 4 (A) thru (G).
6. Ms. Ketty Constant testified that a county inspector advised her that a building permit was necessary for the expansion. Exhs. 2 and 4 (A) thru (G).

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 original driveway and expansion existing in the front yard for 20 years, the need to repair the driveway because of cracks 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 a variance of 4 feet right side yard width and a waiver of the parking area location requirement in order to validate existing conditions (dwelling, driveway) and obtain a building permit for a new 8' x 20' driveway extension in the front yard on the property located at Lot 25, Block E, Schrom Hills Subdivision, being 7407 Wilhelm Drive, Lanham, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, site plan, Exhibit 2.

BOARD OF ZONING APPEALS

By: (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.

