

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

Petitioners: Collins Donkor and Maria Morales

Appeal No.: V-77-18

Subject Property: Lot 11, Block H, Lewisdale Subdivision, being 2401 Amherst Road, Hyattsville,
Prince George's County, Maryland

Heard: August 29, 2018; Decided: September 12, 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 front yard at least 25 feet in depth and Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition (dwelling) and construct a driveway extension and detached garage. Variances of 4 feet front yard depth and 12.4% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1946, contains 6,027 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. Petitioners would like to construct a 10' x 24' x 20' x 24' driveway extension and 24' x 28' detached garage. Construction of the driveway and garage would exceed the amount of lot coverage allowed. A variance of 12.4% net lot coverage was requested. Exhs. 2, 3 (a) thru (b) 5 (A) thru (D) and 12.

3. The existing covered front porch is located 21 feet from the front street line. A variance of 4 feet front street line depth was requested. Exhs. 2, 3 (a) thru (b) 5 (A) thru (D) and 12.

4. Petitioner Collins Donkor testified would like to add a driveway to the existing concrete pad (proposed garage) in the rear of the property. The concrete pad is the foundation for the proposed garage. The concrete pad was poured this year. The County Inspector advised him that the cars in the rear could not be parked on grass. That it when he poured the concrete pad. The County then advised him that the cars could not be seen that he must have a closed space. Exhs. 2, 3 (a) thru (b) 5 (A) thru (D), 12 and 19.

5. Petitioner stated that the driveway and garage is needed because they have 5 cars and on street parking is very limited. The lot is narrow being 50 feet and they can only park two cars in front of their lot. Exhs. 2, 3 (a) thru (b) 5 (A) thru (D), 12 and 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 narrowness of the lot, the need for additional parking spaces 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 4 feet front yard depth and 12.4% net lot coverage in order to validate an existing condition (dwelling) and construct a 10' x 24'/20' x 24' driveway extension and 24' x 28' detached garage on the property located at Lot 11, Block H, Lewisdale Subdivision, being 2401 Amherst Road, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan(s), Exhibit(s) 3 (a) thru (b).

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.