

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

Petitioners: Juan Juarez and Amy Ochoa

Appeal No.: V-103-18

Subject Property: Lot 62, Block B, Wood Manor Subdivision being 5829 36th Avenue, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Heard: October 10, 2018; Decided: November 14, 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; 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; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street 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. Petitioner proposes to validate existing conditions (dwelling, development, shed) and construct a driveway extension in the front yard of a triple-attached dwelling. Variances of 3.5 feet front yard depth for the dwelling, 30.1% net lot coverage, 50 feet front street 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 1954, contains 3,112 square feet, is zoned R-20 (One-Family Triple-Attached Residential) and is improved with a triple-attached single-family dwelling, driveway and shed. The property is a through lot, with the dwelling facing 36th Avenue. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).
2. Petitioners would like to construct a 12.5' x 21' driveway extension, which would be in front of the dwelling, and as the existing development exceeds the amount of lot coverage allowed, the driveway construction would be further overage. 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 and a variance of 30.1% net lot coverage were requested. Exhs. 2, 4 (A) thru (D).
3. The existing covered front stoop is located 21.5 feet from the front street line of 36th Avenue and the shed is located 10 feet from the front street line of Queens Chapel Road. Variances of 3.5 feet front yard depth for the dwelling and 50 feet front street line setback for an accessory building were requested. Exhs. 2, 4 (A) thru (D).
4. The City of Hyattsville has voted to support the variances. Exhs. 19 and 20.

5. Petitioner Juan Juarez stated that he is requesting permission to construct a driveway in the front of his triple-attached single-family dwelling, as the lot frontage is only 28 feet wide. He added that the slope of the front yard may require retaining walls. Exhs. 2, 4 (A) thru (D).

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 narrow width of the lot, the property being a through lot, the dwelling being a triple-attached single-family dwelling, the sloping topography 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, by majority vote, Ms. Bobbie Mack absent, that variances of 3.5 feet front yard depth for the dwelling, 30.1% net lot coverage, 50 feet front street line setback for an accessory building and a waiver of the parking area location requirement in order to validate existing conditions (dwelling, development, shed) and construct a 12.5' x 21' driveway extension in the front yard of a triple-attached dwelling on the property located at Lot 62, Block B, Wood Manor Subdivision being 5829 36th 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 site plan, Exhibit 2.

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.