

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

Petitioners: Cipriano and Marta Navarro

Appeal No.: V-113-18

Subject Property: Lot 47, Block A, Palmer Park Subdivision, being 7738 Muncy Road, Hyattsville,
Prince George's County, Maryland

Spanish Language Interpreter Service: Ernesto Luna

Heard and Decided: November 14, 2018

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking 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. Petitioners propose to construct a driveway in the front yard of a semi-detached dwelling. A variance of 4.3% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1954, contains 3,917 square feet, is zoned R-35 (One-Family Semi-Detached and Two-Family Detached Residential) and is improved with a semi-detached single-family dwelling and shed. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).
2. The shape of the lot is very narrow, only 35 feet wide.
3. Petitioners would like to construct a 10' x 25' driveway, part of which will be in front of the dwelling. As 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 (H).
4. Construction of the driveway would also exceed the amount of lot coverage allowed. A variance of 4.3% net lot coverage was requested. Exhs. 2, 4 (A) thru (H).
5. Petitioners explained that the single wide driveway will be built 8 feet from the house and is needed to provide safety to their young children entering into and leaving from the vehicle rather than doing so on the street, where the traffic is very busy. Exhs. 2, 4 (A) thru (H).

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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the lot being very narrow, the need for safety of young children loading and unloading into a vehicle 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. Anastasia Johnson absent, that a variance of 4.3% net lot coverage and a waiver of the parking area location requirement in order to construct a 10' x 25' driveway in the front yard of a semi-detached dwelling on the property located at Lot 47, Block A, Palmer Park Subdivision, being 7738 Muncy Road, 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)

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.