

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

Petitioner: Wanda Peyton

Appeal No.: V-114-18

Subject Property: Lot 18, Ramsgate Subdivision, being 3207 Radford Lane, Fort Washington,
Prince George's County, Maryland

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 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 validate and obtain a building permit for a driveway extension in the front yard. 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 1966, contains 14,780 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 3, 4, 10, 11 and 12 (A) thru (F).

2. Petitioner Wanda Peyton would like to obtain a building permit for an existing 10' x 29' 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. 3, 5 (A) thru (F), 6 (A) thru (C).

3. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Violation Notice No. 4098-2018-0, dated February 1, 2018, requiring Petitioner to "Obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to extending the driveway." Exh. 7.

4. Petitioner testified that the driveway extension is to accommodate her son, who is physically handicapped. She explained that the driveway extension provides handicapped accessibility for her son when exiting or entering the vehicle from his wheelchair. The extension will also assist in that the wheelchair will not get stuck in the grass or mud and allow ample room to turn around. She further explained that the driveway could not be built on the opposite side of the yard because of the location of a utility (electrical) box. Exhs. 3, 5 (A) thru (F), 6 (A) thru (C).

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 Petitioner's son being physically handicapped, the need to create a handicapped accessible driveway for wheelchair access 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 waiver of the parking area location requirement in order to validate and obtain a building permit for a 10' x 29' driveway extension in the front yard on the property located at Lot 18, Ramsgate Subdivision, being 3207 Radford Lane, Fort Washington, 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 3.

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.

