

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

Petitioner: Jose Torres

Appeal No.: V-125-18

Subject Property: Lot 17, Block H, University Hills Subdivision, being 3320 Gumwood Drive, Hyattsville, Prince George's County, Maryland

Municipality: Hyattsville

Heard: November 28, 2018; Decided: December 5, 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 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 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-120.01(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. Petitioners propose to validate existing (front porch) and construct a driveway in the front yard. A variance of 5 feet front yard depth and a waiver of the parking area location requirement was requested.

Evidence Presented

1. The property was subdivided in 1947, contains 8,503 square feet, is zoned R-55 (One Family Detached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (G).

2. Petitioner would like to construct an 12' x 24' driveway in the front yard. Since part of Petitioner's driveway will be located in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 4 (A) thru (G) and 8 (A) thru (G).

3. 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. A variance of 5 feet front yard depth was requested. Exhs. 2, 4 (A) thru (G) and 8 (A) thru (G).

4. Petitioner Jose Torres testified that the City of Hyattsville constructed a sidewalk on the opposite side of Gumwood Drive making his street very narrow, and now only one car is able to travel through the road at a time. He stated that getting his young children in and out of a vehicle on the street is very dangerous. Exhs. 2, 4 (A) thru (G) and 8 (A) thru (G).

5. The City of Hyattsville supports the proposed variances. Exh. 18.

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 construction of a sidewalk on the other side of Gumwood Drive causing narrowing of the street, the dangers of enabling Petitioner's young children into or out of a vehicle on the narrowed street 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, unanimously, that a variance of 5 feet front yard depth and a waiver of the parking area location requirement in order to validate existing conditions (front porch) and construct a driveway in the front yard on the property located at Lot 17, Block H, University Hills Subdivision, being 3320 Gumwood Drive, Hyattsville, Prince George's County, Maryland, be and is 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.