

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

Petitioners: Clifton and Shawne Morgan

Appeal No.: V-138-18

Subject Property: Lot 5, Block 9, College Heights Estates Subdivision, being 7201 Adelphi Road,  
Hyattsville, Prince George's County, Maryland

Witness: Ernest Buchanan, Neighbor

Heard: and Decided: January 9, 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, Petitioners request that the Board approve a variance 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. Petitioners propose to validate an existing condition (development) and obtain a building permit for a new driveway extension. A variance of 6.2% net lot coverage is requested.

**Evidence Presented**

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

1. The property was subdivided in 1949, contains 18,332 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. The property is a corner lot with the dwelling facing the legal side street at an angle. The shape of the corner lot is odd shaped with the house facing the intersection. Exhibits (Exhs.) 3, 4, 10, 11 and 12 (A) thru (F).

2. Petitioners would like to obtain a building permit for a new 11' x 35' driveway extension. As the existing development on the property exceeded the amount of lot coverage allowed, construction of the driveway extension was further overage. A variance of 6.2% net lot coverage is requested. Exhs. 2, 3, 5 (A) thru (B).

3. The Department of Permitting, Inspections and Enforcement, Inspections Division, placed a door tag on the property and issued a Correction Order, both dated October 10, 2018, informing Petitioners that they "Need to obtain permit for extended driveway.". Exhs. 6 and 7.

4. Petitioner Clifton Morgan testified that their house sits cattycorner on their lot facing both Adelphi Road and Wells Parkway. Because of how the house is situated on the lot, the existing asphalt driveway does not have a consistent shape throughout but was constructed with a curve making it very difficult to back out of the driveway, especially for the Petitioner's elderly mother. He stated that along the driveway there is a possibility of hitting a very large tree or run the risk of hitting the porch or drains. He stated that the driveway expansion has helped their family safely navigate in and out in a safe manor. Exhs. 2, 3, 5 (A) thru (B).

5. Mr. Morgan continued that there is “no parking on the street” and a bus stop exists in front of the dwelling. Exhs. 12 (A) thru (F).

6. Mrs. Morgan stated that with the driveway extension, they no longer have to back out of the driveway, which is very dangerous. They now can turn their vehicles around before exiting the driveway. Exhs. 2, 3, and 5 (A) thru (B).

7. Mr. Buchanan (7109 Wells Parkway) stated that there has been a drainage problem at 7201 Adelphi Road for some time and the current development may have made the problem worse. He noted that the Petitioners have added two drainage pipes that leads to his property. Exhs. 20 and 21.

8. Mr. Morgan further stated that there was an existing French drain in the yard when they purchased the subject property. The water would drain across the driveway and ice over during the winter. To prevent the icing, drains were placed under the driveway which resolved that issue. Exhs. 2, 3, and 5 (A) thru (B).

9. Mrs. Morgan explained that the hardship is the because of the angle of the house to the two intersecting street and the curvature of the driveway. Exhs. 2, 3, 5 (A) thru (B).

#### 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 angle of the existing dwelling on the odd shaped corner lot, the curvature of the driveway, the lack of on-street parking 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 a variance of 6.2% net lot coverage in order to validate an existing condition (development) and obtain a building permit for a new 11' x 35' driveway extension on the property located at Lot 5, Block 9, College Heights Estates Subdivision, being 7201 Adelphi Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVD. 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.