

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

Petitioners: Francisco Lopez and Stic Lopez

Appeal No.: V-155-18

Subject Property: Lot 24, Block E, Schrom Hills Subdivision, being 7405 Wilhelm Drive, Lanham,
Prince George's County, Maryland

Witnesses: Ketti Constant, Neighbor

Amina Hamid, Neighbor

Heard: February 6, 2019; Decided: February 27, 2019

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 27-120.01(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 construct 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 1960, contains 12,360 square feet, is zoned R-55 (One-Family Detached, Residential) and is improved with a single-family dwelling, driveway, shed and dog house. Exhibits (Exhs.) 2, 3, 7, 8 and (A) thru (F).
2. Petitioners would like to expand the existing driveway an additional 8' x 16'.5". 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. 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 (H) and 16.
3. On June 27, 2018, V-49-18 was approved for a waiver of the parking area location requirement in order to validate and obtain a building permits for a new 12' x 20 driveway in the front yard. Exh. 5.
4. Petitioner Francisco Lopez testified that he would like to extend the driveway to allow for two vehicles. The current driveway dimensions are 12' wide x 20' in length but is insufficiently wide for two vehicles. He explained that if two cars are parked in the existing driveway, the car door cannot be opened. He added that a retaining wall is needed because of the uphill slope in the front yard. The total driveway dimensions with the expansion will be 20' x 20.' Exhs. 2, 4 (A) thru (H) and 16.

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 sloping (uphill) in the front yard, the prior approval of V-48-18 for the driveway location, the need for additional surface area in the driveway 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 waiver of the parking area location requirement in order to construct a driveway extension in the front yard on the property located at Lot 24, Block E, Schrom Hills Subdivision, being 7405 Wilhelm Drive, Lanham, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 16.

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.