

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-4-14 Thomas Poulos

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: February 26, 2014.

CERTIFICATE OF SERVICE

This is to certify that on March 10, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of University Park

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

Petitioner: Thomas Poulos

Appeal No.: V-4-14

Subject Property: Lot 6, Block 16, University Park Subdivision, being 6710 44th Avenue, Hyattsville, Prince George's County, Maryland

Municipality: Town of University Park

Witness: Patricia Regan

Heard and Decided: February 26, 2014

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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate an existing condition and replace an existing driveway. A variance of 7.2% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1925, contains 5,087 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. Exhibits ("Exhs.") 2, 3, 7 and 8. The existing single-family dwelling was built in 1945. Exhs. 7 and 8.
2. The property has a sharply-angled rear property line and the left side of the rear yard is deeper than the right side. Exh. 2. The property is smaller than most of the lots in the area. Exh. 3.
3. Petitioner would like to replace the existing 9' x 67' macadam driveway with a concrete driveway, but a variance is needed to obtain a building permit. Since the allowed amount of net lot coverage (30%) is already exceeded by existing development on the property, a variance of 7.2% net lot coverage was requested. Exhs. 10 and 11.
4. Petitioner testified that the driveway is in disrepair (Exhs. 4(A) and (B)) and the proposed replacement driveway would have the same footprint (Exh. 2).
5. The Town of University Park recommended approval of the request. Exh. 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 comparably small size of the property, the existing conditions on the property, the existing driveway being in a state of disrepair, the proposed replacement driveway having exactly the same footprint as the driveway being replaced, 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 7.2% net lot coverage in order to validate an existing condition and replace the existing 9' x 67' macadam driveway with concrete driveway on the property located at Lot 6, Block 16, University Park Subdivision, being 6710 44th Avenue, Hyattsville, 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 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.