

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-118-15 Kevin Spears

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: November 18, 2015.

CERTIFICATE OF SERVICE

This is to certify that on January 11, 2016, 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

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

Petitioner: Kevin Spears

Appeal No.: V-118-15

Subject Property: Lot 16, Block FF, South-Lawn Subdivision, being 1125 Westfield Drive, Oxon Hill, Prince George's County, Maryland

Heard and Decided: November 18, 2015

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 construct a new driveway. 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 1955, contains 5,594 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 3, 6 and 7. The existing dwelling was built in 1955. Exh. 6.

2. The property is regular in its shape and size. Exh. 3.

3. Petitioner would like to remove an existing driveway on the right side of the subject property and construct a new 10' x 26' driveway on the left side of the property (Exh. 2), but a variance is needed to obtain a building permit. Since a portion of Petitioner's proposed new driveway would be located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 10.

4. Petitioner testified that the existing driveway is near a fire hydrant and does not have an apron. Exh. 4(A). He explained that his property is on a busy street and he cannot pull out onto the street without going over the curb and without the danger of hitting the fire hydrant.

5. Petitioner further testified that the new driveway will not be located in front of a window and would extend sufficiently into the property so that his vehicle will clear the sidewalk.

6. He also stated that the narrowness of the space next to the house on the left side limited where he could place the new driveway.

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 narrowness of the left side yard, the existing driveway on the right side of the property having no apron and located very close to the fire hydrant, 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, Board Member Anastasia Johnson being absent, that a waiver of the parking area location requirement in order to construct a new 10' x 26' driveway on the property located at Lot 16, Block FF, South-Lawn Subdivision, being 1125 Westfield Drive, Oxon Hill, 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.