

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-56-15 Jose Novoa

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: September 30, 2015.

CERTIFICATE OF SERVICE

This is to certify that on October 14, 2015, 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
DPIE/Inspections Division
Office of Law
Ernesto Luna, Spanish Language Interpreter

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

Petitioner: Jose Novoa

Appeal No.: V-56-15

Subject Property: Lot 18, Block 12, Woodlawn Subdivision, being 6924 Greenvale Parkway, Hyattsville, Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Witness: Lauren Clagett, Property Standards Inspector

Heard: August 5, 2015; Decided: September 30, 2015

Board Members Present and Voting: 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 27-120.01(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 validate and obtain a building permit for a driveway 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 1947, contains 6,250 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, 7 and 8. The existing dwelling was built in 1951. Exhs. 7 and 8.
2. The property is a narrow lot, being only 50 feet wide, and the side yards are less than 8 feet wide. Exh. 2.
3. Petitioner was cited with Building Violation Notice No. 39526-14-00, dated October 10, 2015, by the Department of Permitting, Inspections and Enforcement, Inspections Division, requiring that the required permit(s) be obtained for work done at the subject property, including but not limited to a new driveway and steps. Exh. 5.
4. Petitioner would like to obtain a building permit for the new 19' x 25' driveway (Exhs. 4(A) and (B)), but a variance must be obtained because a portion of the driveway is located in the area of the front yard which is prohibited by Section 27-120.01(c). A waiver of the parking area location requirement was, therefore, requested. Exh. 12.
5. Petitioner testified that he built the existing driveway 7-8 months ago because his street is narrow and his car was hit by a snow plow while parked on the street. He stated that there are other wide driveways on properties in his neighborhood.
6. Inspector Lauren Clagett testified that she issued the violation notice but took no position as to the variance request.

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 property, the narrowness of the side yards, the narrowness of the street, the need for off-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 owner of the property.

BE IT THEREFORE RESOLVED, by majority vote, Chairperson Bobbie Mack abstaining, that a waiver of the parking area location requirement in order to validate and obtain a building permit for a 19' x 25' driveway in the front yard on the property located at Lot 18, Block 12, Woodlawn Subdivision, being 6924 Greenvale Parkway, 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)
Albert C. Scott, Vice Chairman

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.