

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-11-15 Diane Fogg

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: March 25, 2015.

CERTIFICATE OF SERVICE

This is to certify that on April 16, 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

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

Petitioner: Diane Fogg

Appeal No.: V-11-15

Subject Property: Lot 11, Glassmanor Section "L" Subdivision, being 901 Irvington Street, Oxon Hill, Prince George's County, Maryland

Heard and Decided: March 25, 2015

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 variances 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 variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a rear yard at least 20 feet in depth/width, and Section 27-120.01(c), 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 an existing condition and construct a driveway in the front yard. A variance of 9 feet rear yard depth/width and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1955, contains 7,062 square feet, is zoned R-35 (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits ("Exhs.") 2, 3, 7 and 8. The property was improved with a single-family dwelling in 1956. Exhs. 7 and 8.

2. The property is an odd-shaped corner lot with the dwelling facing the legal side street (Irvington Street). Exh. 2.

3. There is currently no driveway on the property. Petitioner would like to construct a 10' x 27' driveway to access the property from Irvington Street, but two variances are required before obtaining a building permit. Since a portion of the proposed driveway is located in an area prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 10. In addition, since the existing dwelling is located 11 feet from the rear lot line, a variance of 9 feet rear yard depth/width was also requested. Exh. 10.

4. Petitioner testified that being on the corner lot has been hazardous for parking cars because of speeding vehicles and, when it snows, cars trying to get up the nearby hill. She explained that, as a result, two of her cars have been "hit".

5. Petitioner explained that when she obtained a permit to put in the driveway apron, it was discovered that the fence from which the measurement was done was outside the property line and she is

required to move the proposed driveway farther to the right to establish a few feet between the driveway and the property line. Exhs. 4(A) through (G).

6. She testified that an adjoining neighbor has a driveway to the left of the house which is consistent with the driveway she is proposing. Exh. 9(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 comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the existing dwelling being built in 1953 and facing the legal side street, the dwelling not meeting the current minimum rear yard setback requirement, the proposed driveway extending several feet beyond the line of the house in order to be set back several feet from the property line, the need for off-street parking to avoid the hazards of traffic at the corner, 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 9 feet rear yard depth/width and a waiver of the parking area location requirement in order to validate an existing condition and construct a 10' x 27' driveway in the front yard on the property located at Lot 11, Glassmanor Section "L" Subdivision, being 901 Irvington Street, Oxon Hill, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances 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.