

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-80-14 Cynthia Williams

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 19, 2014.

CERTIFICATE OF SERVICE

This is to certify that on December 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

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

Petitioner: Cynthia Williams

Appeal No.: V-80-14

Subject Property: Lot 68, Block 4, Palmer Park Subdivision, being 7845 Burnside Road, Landover,
Prince George's County, Maryland

Heard and Decided: November 19, 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 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 front yard at least 25 feet in depth, 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 of a triple-attached dwelling. A variance of 3 feet front yard depth 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 1957, contains 3,336 square feet, is zoned R-20 (One-Family Triple-Attached Residential) and is improved with a triple-attached single-family dwelling. Exhibits ("Exhs.") 2, 3 7 and 8. The existing dwelling was built in 1957. Exhs. 7 and 8.
2. The lot is extremely narrow, being only 22 feet wide, and has no side yards. Exh. 2.
3. Petitioner would like to construct an 11.6' x 24' driveway in front of the house, but a variance is needed to obtain a building permit. Since the driveway would be located in the area prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 11.
4. An existing condition must also be validated to obtain the permit. Since an awning over the front stoop is located only 22 feet from the front street line, a variance of 3 feet front yard depth was requested to validate this existing condition. Exh. 11.
5. Petitioner testified that there are "parking wars" in her neighborhood (Exhs. 18 and 19) and no on-street parking available near her house. She further stated that her car windows have been broken several times and provided evidence of a court case pending against an individual who is allegedly responsible for one of the incidents. Exhs. 17 and 20.
6. Petitioner further testified that runoff water will flow to the curb because of the slope in the front yard.
7. Petitioner submitted photographs of other driveways on properties on her street, Exhs. 5(A) through (H), and stated that the adjoining property to the right of her property has a 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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the property, there being no side yards, the front yard sloping down to the street, the lack of adequate on-street parking, the need for off-street parking area for security reasons, an existing awning over the front stoop extending into the required front yard setback, 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, Ms. Mack in the minority, that a variance of 3 feet front yard depth and a waiver of the parking area location requirement in order to validate an existing condition and construct an 11.6' x 24' driveway in the front yard of a triple-attached dwelling on the property located at Lot 68, Block 4, Palmer Park Subdivision, being 7845 Burnside Road, Landover, 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.