

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-44-13 DeWayne Black

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: July 24, 2013.

CERTIFICATE OF SERVICE

This is to certify that on August 26, 2013, 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: DeWayne Black

Appeal No.: V-44-13

Subject Property: Lot 53, Block O, Palmer Park Subdivision, being 8154 Allendale Drive, Hyattsville, Prince George's County, Maryland

Heard: July 10, 2013; Decided: July 24, 2013

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 27-120.01(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 driveway in the front yard of a semi-detached dwelling. 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 1954, contains 3,850 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and shed. Exhibits ("Exhs.") 2, 3, 6 and 7. The existing dwelling was built in 1955. Exhs. 6 and 7.
2. The subject lot is identical in size and shape to the other lots on the same side of the street which front on Allendale Drive (formerly 85th Avenue) and to the lots to the rear which front on the next street over (Barlowe). Exhs. 3 and 8(A).
3. Petitioner would like to construct a 10' x 20' driveway, a portion of which would be located in front of the dwelling. Exh. 2. Since a portion of the driveway would be located in an area prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 10.
4. Petitioner testified that he would like a driveway for aesthetic reasons and because several neighbors on his street have driveways. He explained that the subject property is rental property and his tenant would like to park closer to the house for safety reasons.
5. Petitioner testified that his property is located around the corner from a police station.

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 does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioner's lot has no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition. Exhibits 2 & 3.
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, by majority vote, Mr. Scott in the minority, that a waiver of the parking area location requirement in order to construct a 10' x 20' driveway in the front yard of a semi-detached dwelling on the property located at Lot 53, Block O, Palmer Park Subdivision, being 8154 Allendale Drive, Hyattsville, Prince George's County, Maryland, be and is hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.