

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-25-14 Zilly Myers-Spencer

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: May 21, 2014.

CERTIFICATE OF SERVICE

This is to certify that on June 2, 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
Other Interested Parties

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

Petitioner: Zilly Myers-Spencer

Appeal No.: V-25-14

Subject Property: Lot 20, Block N, Chillum Terrace Subdivision, being 824 Cox Avenue, Hyattsville,
Prince George's County, Maryland

Witness: Gladstone Christie, friend

Heard: May 7, 2014; Decided: May 21, 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 a variance 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; Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking; 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. Variances of 4 feet front yard depth, 4% net lot coverage 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 1951, contains 5,880 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits ("Exhs.") 3, 8, 9 and 19. The existing single-family dwelling was built in 1953. Exhs. 8 and 9.
2. The side yards of the subject property are narrow, being only 8 feet wide on one side and a chimney making useable width on the other side less than 8 feet. Exh. 19.
3. Petitioner would like to construct a 10' x 20' driveway¹, a portion of which will be in front of the dwelling, but variances are needed to obtain a building permit. Since construction of the driveway would cause the allowed amount of net lot coverage to be exceeded and a portion of the driveway would be located in the area of the front yard prohibited by Section 27-120.01(c), a variance of 2.2% net lot coverage and a waiver of the parking area location requirement were requested. Exhs. 13 and 20.
4. In addition, because the existing covered front porch is located only 21 feet from the front street line, a variance of 4 feet front yard depth was also requested to validate this condition and obtain the building permit. Exh. 13.

¹ Petitioner agreed to reduce the size of the proposed driveway from 10' x 31' to 10' x 20'. The site plan was revised (Exh. 19) and a variance of 2.2% net lot coverage is sufficient for the smaller driveway. Exh. 20.

5. Petitioner further testified that there are other driveways on properties on her street. Exhs. 5(A) through (C).

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 existing conditions on the property, the narrowness of the side yards, 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 variances of 4 feet front yard depth, 2.2% net lot coverage and a waiver of the parking area location requirement in order to validate an existing condition and construct a 10' x 20' driveway in the front yard on the property located at Lot 20, Block N, Chillum Terrace Subdivision, being 824 Cox Avenue, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 19.

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.