

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-113-15 Fidel Hernandez

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 4, 2015 .

CERTIFICATE OF SERVICE

This is to certify that on November 18, 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
Lewisdale Citizens' Association
Ernesto Luna, Spanish Language Interpreter
Other Interested Parties

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

Petitioner: Fidel Hernandez

Appeal No.: V-113-15

Subject Property: Lot 12, Block 25, Lewisdale Subdivision, being 2203 Hannon Street, Hyattsville,
Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Witness: Pedro Cabrara

Heard and Decided: November 4, 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(i)(Table VIII) of the Zoning Ordinance, which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line, 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 existing conditions and construct a driveway in the front yard. Variances of 1.5 feet side lot line setback and 2 feet rear lot line setback for an accessory building 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 1953, contains 6,495 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits ("Exhs.") 2, 3, 6 and 7. The existing dwelling was built in 1953. Exhs. 6 and 7.
2. The property is regular in its shape and size. Exhs. 2, 3 and 8(A). The conditions of the property are not unique. Exhs. 4 and 8(B) through (F).
3. Petitioner would like to construct a 20' x 27'9/4" x 31' driveway (Exhs. 1 and 2), but variances are needed to obtain a building permit. Since part of the proposed driveway would be located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 11.
4. Validation of the location of the existing shed is necessary because it is located .5 foot from the side lot line and extends to the rear lot line. Variances of 1.5 feet side lot line setback and 2 feet rear lot line setback for an accessory building were also requested. Exh. 11.

5. Petitioner testified that because there is nowhere to park his two vehicles on his block, he desires a driveway that is double-width in front of the house and single-width to the side of the house. He explained that he does not have a garage.

6. Pedro Cabrerra testified that without a double width driveway in the front yard, Petitioner would have to move one vehicle to get the other car out of the existing driveway.

7. Lewisdale Citizens' Association provided no comment on the 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 variances do 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 of specific parcels of the subject property.

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, unanimously, that variances of 1.5 feet side lot line setback and 2 feet rear lot line setback for an accessory building, and a waiver of the parking area location requirement in order to validate existing conditions and construct a 20' x 27'9'4" x 31' driveway in the front yard on the property located at Lot 12, Block 25, Lewisdale Subdivision, being 2203 Hannon Street, Hyattsville, Prince George's County, Maryland, be and are 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.