

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-87-15 Maria Elena Leon Montalva

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: September 9, 2015 .

CERTIFICATE OF SERVICE

This is to certify that on September 17, 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
Mark Maier, Spanish Language Interpreter

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

Petitioner: Maria Elena Leon Montalva
Appeal No.: V-87-15
Subject Property: Lot 51, Block B, Palmer Park Subdivision, being 7757 Muncy Road, Hyattsville,
Prince George's County, Maryland
Spanish Language Interpreter: Mark Maier
Heard and Decided: September 9, 2015
Board Members Present and Voting: Bobbie S. Mack, Chairperson
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 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate an existing condition and extend an existing driveway. A variance of 12.6% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 3,994 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and driveway. Exhibits ("Exhs.") 2, 3, 7 and 8. The existing dwelling was built in 1955. Exhs. 7 and 8.
2. The lot is narrow, being 38.24 feet wide at the front street line, and narrows slightly from front to rear. Exh. 2.
3. Petitioner would like to construct a 2' x 25.5' extension on the left side of the existing driveway, but a variance is needed to obtain a building permit. Since the maximum amount of net lot coverage allowed is exceeded by existing development on the property and construction of the additional driveway area would cause further overage, a variance of 12.6% net lot coverage was requested. Exhs. 12 and 13.
4. Petitioner testified that that the driveway is so narrow that she cannot pull a car into the driveway (without driving on the grass) and the proposed driveway extension would make the driveway sufficiently wide.

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the existing conditions on the property, the allowed amount of net lot coverage already being exceeded by existing development, the existing driveway needing to be widened to accommodate a vehicle turning into the property, 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, Mr. Scott absent, that a variance of 12.6% net lot coverage in order to validate an existing condition and construct a 2' x 25.5' extension to the existing driveway on the property located at Lot 51, Block B, Palmer Park Subdivision, being 7757 Muncy Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance 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.