

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-45-15 Lawrence Joy, Sr. and Lawrence Joy, Jr.

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 27, 2015.

CERTIFICATE OF SERVICE

This is to certify that on June 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: Petitioners
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

Petitioners: Lawrence Joy, Sr. and Lawrence Joy, Jr.

Appeal No.: V-45-15

Subject Property: Part of Lot 2, Block A, Frank I. Gerald Property Subdivision, being 7701 Finns Lane,
Lanham, Prince George's County, Maryland

Heard and Decided: May 27, 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 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, Petitioners request 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. Petitioners propose to construct a driveway for a new single-family 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 contains 6,653 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a new single-family dwelling. Exhibits ("Exhs.") 2, 10 and 11. The single-family dwelling is not completed and not yet inhabited. Exhs. 6(A) and (B).

2. The subject property consists of part of a lot subdivided in 1941 and created in its current configuration by deed, dated May 18, 1945. Exhs. 3 and 4.

3. The property widens from front to rear and is only 35.40 feet wide at the front street line.¹ Exhs. 2 and 7.

4. Petitioners would like to construct a 10' x 44' driveway, a portion of which would be in front of the dwelling, but a variance is needed to obtain a building permit. Since part of the 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. 14.

5. Petitioner Lawrence Joy, Sr. testified that construction work on the new house is approximately 75% completed. Exhs. 6(A) and (B), 17.

6. Mr. Joy further testified that a two-car driveway was required to be built with their new home construction, but the County informed them that their driveway must be 10 feet wide and could not be built immediately next to the driveway next door, which extends to the property line. He explained that he was

¹ In 2014, the Board granted variances (Appeal No. V-62-14) from the minimum front building line and front street line width requirements to allow construction of a new two-story dwelling and 9'8" x 44" driveway on the property. Exh. 7.

therefore required to move his driveway 3.5 feet inside the property line resulting correspondingly in the driveway being 3.5 feet in front of the house. He further explained that the subject property and the adjoining property were previously one property (Exhs. 6(A) and (B)) and submitted a photograph demonstrating the required distance needed between the driveways (Exh. 26).

7. Petitioners submitted several photographs of other driveways on their street that extended in front of houses. Exhs. 20(A) through (C), 21(A) through (C), 22(A) through (C), 23(A) and (B), 24(A) through (C), 25(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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the property, the County requiring that off-street parking for two vehicles be provided with new home construction (Zoning Ordinance Section 27-568), the Board having previously approved variances for construction of the single-family dwelling and a driveway on the property, Petitioners being required by the County to relocate their proposed driveway when it was found that the driveway on the adjoining property extends to the shared property line next to where Petitioners were planning to build their driveway, relocation of the driveway to put the required distance between the adjoining driveways causing Petitioners' driveway to extend a few feet in front of the house, 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a waiver of the parking area location requirement in order to construct a 10' x 44' driveway for a new single-family dwelling on the property located at Part of Lot 2, Block A, Frank I. Gerald Property Subdivision, being 7701 Finns Lane, Lanham, 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.