

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-27-15 Vance Parker

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 5, 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
City of District Heights

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

Petitioner: Vance Parker

Appeal No.: V-27-15

Subject Property: Lots 3 & 4, Block 19, District Heights Subdivision, being 6531 Halleck Street, District Heights, Prince George's County, Maryland

Municipality: City of District Heights

Heard: May 13, 2015; 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, 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, and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 5 feet from the alley line. Petitioner proposes to validate an existing condition and construct a driveway in the front yard. A waiver of the parking area location requirement and a variance of 2 feet setback from an alley for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided between 1924 and 1930, contains 7,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, parking pad and shed. See Exhibits ("Exhs.") 2, 3, 6 and 7. The existing dwelling was built in 1952. Exhs. 6 and 7.
2. The property is a narrow lot, being only 50 feet wide. Exh. 2.
3. Petitioner would like to construct a 10' x 32' driveway in the front yard, but variances are needed to obtain a building permit. Since 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. 10.
4. A variance is also needed to validate an existing condition on the property. Since a shed in the rear yard is located only 3 feet from the alley, a variance of 2 feet setback from an alley for an accessory building was also requested. Exh. 10.
5. Petitioner testified that his plan is to replace a 3-foot-wide walkway between his house and the street with a 10-foot-wide driveway. Exh. 2. He explained that he currently has no driveway on his property and it is difficult to move his mother who is handicapped from the car to the house.
6. Petitioner explained that there will be sufficient area between where his gas meter is located at the front of the house and the proposed driveway so the gas meter will not have to be relocated. Exh. 4(A).

7. Petitioner submitted photographs of front yard driveways on properties in his block and the next block. Exhs. 17(A) through (C).

8. The City of District Heights granted the request. Exh. 18.

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 property being subdivided between 1924 and 1930, the house being built many years ago, the narrowness of the property, off-street parking allowing easier access to the property for a handicapped relative, 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 a waiver of the parking area location requirement and a variance of 2 feet setback from an alley for an accessory building in order to validate an existing condition and construct a 10' x 32' driveway in the front yard on the property located at Lots 3 & 4, Block 19, District Heights Subdivision, being 6531 Halleck Street, District Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances 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.