

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-25-15 Paulette Jenkins

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: April 29, 2015.

CERTIFICATE OF SERVICE

This is to certify that on June 4, 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
City of District Heights

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

Petitioner: Paulette Jenkins

Appeal No.: V-25-15

Subject Property: Lot 6, Block 57, District Heights Subdivision, being 6903 Foster Street, District Heights,
Prince George's County, Maryland

Municipality: City of District Heights

Heard and Decided: April 29, 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width; 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; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side lot line. Petitioner proposes to validate existing conditions and construct a driveway in the front yard. A variance of 6 feet side yard width, a waiver of the parking area location requirement and a variance of 2 feet side lot line setback for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1947, contains 8,400 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 widens slightly from front to rear and has a sharply angled rear property line. Exh. 2.
3. Petitioner would like to construct a 10' x 25' driveway in front of the dwelling, but variances are needed to obtain a building permit. Since the proposed driveway would be located in the area of the front yard prohibited by Section 27-120.01(c) of the Zoning Ordinance, a waiver of the parking area location requirement was requested. Exh. 10.
4. In addition, variances are needed to validate certain existing conditions on the property. Since the existing dwelling is located only 2 feet from the side lot line and an existing shed is located at the side lot line at the closest point, variances of 6 feet side yard width for the dwelling and 2 feet side lot line setback for an accessory building, respectively, were also requested. Exh. 10.

5. Petitioner testified that she wants to get her car off her narrow street for safety purposes. She explained that although it is a 2-lane street, only one car is able to pass through at a time because of its narrowness.

6. Petitioner further testified that she cannot place the driveway on the other (left) side of her property because of the existence of a utility pole.

7. Petitioner testified that 8 of the 14 houses on her street (Foster) have driveways. She has observed that within a block radius on Ramblewood the south side has 12 houses with 5 driveways and the north side has 25 houses with 12 driveways, and on Gateway Boulevard between Ramblewood and Mason there are 11 houses with 6 driveways.

8. The City of District Heights granted the request. Exh. 14.

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 narrowness of the property toward the front, the narrowness of the street, the location of a utility pole to the left side of the subject property, the need for off-street parking, 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 variance of 6 feet side yard width, a waiver of the parking area location requirement and a variance of 2 feet side lot line setback for an accessory building in order to validate existing conditions and construct a 10' x 25' driveway in the front yard on the property located at Lot 6, Block 57, District Heights Subdivision, being 6903 Foster Street, District Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in conformance 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.