

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-86-14 Firehiwot Kinde & Bruk Getachew

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: December 3, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on December 17, 2014 , 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
Lewisdale Citizens Association

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

Petitioners: Firehiwot Kinde and Bruk Getachew

Appeal No.: V-86-14

Subject Property: Lot 13, Block 25, Lewisdale Subdivision, being 2205 Hannon Street, Hyattsville,
Prince George's County, Maryland

Witness: Berhanu Enyew, brother of Petitioner F. Kinde

Heard: November 19, 2014; Decided: December 3, 2014

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), 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 in the front yard. 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 was subdivided in 1953, contains 6,989 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits ("Exhs.") 3, 6, 7 and 20. The existing dwelling was built in 1953. Exhs. 6 and 7.
2. Petitioners would like to construct a 16' x 33'/12.6' x 26.4' driveway at the side and in front of the house (Exh. 2), but a variance is needed to obtain a building permit. Since a portion 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. 10.
3. Petitioner Firehiwot Kinde testified that she has lived at the property since 2005 without a driveway and nearby on-street parking is scarce. She described three incidents involving their vehicles parked on the street. She stated that they would like a driveway wide enough for two cars to park side by side, and they were informed that a new driveway must be at least 10 feet wide for each car. She submitted a photograph of a neighbor's property with a double driveway. Exh. 19.
4. Petitioners revised their initial site plan to reduce the amount of driveway area requested in the area prohibited by Section 27-120.01(c). Compare Exhs. 2 and 20.
5. Lewisdale Citizens Association opposed the original 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the lack of sufficient on-street parking, the need to park closer to the house for security reasons, the original proposed parking area being reduced, 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 12.6' x 26.4'/12.5' x 33' driveway at the side of and in front of the house on the property located at Lot 13, Block 25, Lewisdale Subdivision, being 2205 Hannon Street, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 20.

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.