

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-70-14 Thuc, Tam & Dung Nguyen

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: November 5, 2014.

CERTIFICATE OF SERVICE

This is to certify that on December 9, 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

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

Petitioners: Thuc, Tam and Dung Nguyen

Appeal No.: V-70-14

Subject Property: Lot 11, Block R, University Gardens Subdivision, being 2421 Hannon Street, Hyattsville,
Prince George's County, Maryland

Witness: Long Van Bui, consultant/surveyor

Heard and Decided: November 5, 2014

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 8 feet in width; 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; and 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 validate existing conditions and construct an attached carport. Variances of 5.4 feet front yard depth, 6 feet side yard width, 4.9% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1947, contains 6,600 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, shed and driveway. Exhibits ("Exhs.") 2, 4, 6 and 7. The existing single-family dwelling was built in 1949. Exhs. 6 and 7.
2. The property is narrow, being only 55 feet wide. Exhs. 2 and 4.
3. Petitioners would like to construct a 14' x 36' attached carport over existing concrete on the left side of the existing dwelling, but variances are needed in order to obtain a building permit. Since the carport would be located only 2 feet from the side lot line, a variance of 6 feet side yard width was requested. Exh. 11.
4. Other existing conditions on the property need validation before obtaining a building permit. Since the existing covered front porch is only 19.6 feet from the front street line, a variance of 5.4 feet front yard depth was requested. Since the allowed amount of net lot coverage is exceeded by existing development on the property, a variance of 4.9% net lot coverage was also requested to validate that existing condition. In addition, since a portion of recently built driveway area is located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was also requested. Exhs. 10 and 11.

5. Petitioner Thuc Nguyen testified that because he often works late, last year he obtained a permit to build a driveway so that he would have a place to park off the street. He stated that he would like to build a carport where the driveway now exists. He testified that there are other carports in the neighborhood, including two across the street from where he lives (Exh. 24). He explained that runoff water from the proposed carport will be directed towards the street.

6. He further testified that it would be a hardship to have to remove the preexisting area of driveway that extends in front of the house.

7. Lewisdale Citizens Association opposed the request. Exh. 23.

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, the need for off-street parking with protection from the weather, existing conditions on 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, board member Anastasia Johnson absent, that variances of 5.4 feet front yard depth, 6 feet side yard width, 4.9% net lot coverage and a waiver of the parking area location requirement to validate existing conditions and construct an attached 14' x 36' carport on the property located at Lot 11, Block R, University Gardens Subdivision, being 2421 Hannon Street, Hyattsville, 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, and the approved elevation plan, Exhibit 3.

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.