

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-77-14 Gloria Peralta

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 November 14, 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: Petitioner
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

Petitioner: Gloria Peralta

Appeal No.: V-77-14

Subject Property: Lot 3, Block 10, Woodlawn Subdivision, being 6942 Emerson Street, Hyattsville,
Prince George's County, Maryland

Witness: Edwin Brown, Petitioner's husband

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 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. Petitioner proposes to construct a driveway in the front yard. A waiver of the parking area location requirement is requested.

Evidence Presented

1. The property was subdivided in 1947, contains 5,570 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 1950. Exhs. 6 and 7.

2. The property slopes down from the house toward the street. Exhs. 4(A), 8(B) through (F).

3. Petitioner would like to construct a 10' x 25' driveway, but a variance is needed to obtain a building permit. Since a portion 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.10.

4. Petitioner testified that she has lived at the property for four years and her husband, who is a handicapped driver with a disability, has a problem walking on the hill at the front of the property, especially in winter.

5. Petitioner's husband, Edwin Brown, testified that he has no anterior cruciate ligament in his knee.

6. Petitioner explained that there is insufficient room to extend a driveway on either side of the house and there is an air conditioner located on the left side which is a further impediment.

7. Mr. Brown testified that their house is situated higher up on a hill than several houses on adjoining properties. Exh. 4(B). He added that there are other driveways in the neighborhood. (Exh. 4(C)). He stated that their neighbors' driveways are located on the opposite sides of where the proposed driveway will be built and water runoff therefore should not be a problem.

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 slope at the front of the property, the single-family dwelling being located on a hill, the need for easier access to parking near the house for Petitioner's husband who is a handicapped driver, the narrowness of the side yards preventing construction of a sufficiently wide driveway on either side 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 owner of the property.

BE IT THEREFORE RESOLVED, by majority vote, Board Member Anastasia Johnson absent, that a waiver of the parking area location requirement in order to construct a 10' x 25' driveway in the front yard on the property located at Lot 3, Block 10, Woodlawn Subdivision, being 6942 Emerson 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 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.