

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-68-14 Arthur & Derrica Wilson

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: October 8, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on October 22, 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: Arthur & Derrica Wilson

Appeal No.: V-68-14

Subject Property: Lot 32, Block 11, Woodlawn Subdivision, being 6939 Emerson Street, Hyattsville,
Prince George's County, Maryland

Heard and Decided: October 8, 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 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 27-120.01(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 2 feet from any side lot line. Petitioners propose 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 1 foot 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 5,679 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits ("Exhs.") 2, 3, 8 and 9. The existing single-family dwelling was built in 1953. Exhs. 8 and 9.
2. The lot is narrow, being only 50 feet wide. Exh. 2.
3. Petitioners would like to construct a 10' x 26' driveway, but variances are needed to obtain a building permit. Since a portion of the proposed driveway would be located in an area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested.
4. The existing shed is located only 1 foot from the side lot line and a variance of 1 foot side lot line setback for an accessory building is necessary to validate this existing condition.
5. Petitioner testified that in order to construct a standard 10-foot-wide driveway on her property the driveway would have to extend slightly in front of the house. She stated that the proposed driveway would not extend to the building wall of the house but to the brick base of a garden in front of the house. Exhs. 2, 5(A) and (B).
6. Petitioner further testified that her son has disabilities and she would like to unload him and her other children out of the vehicle away from the danger of fast-moving traffic on Emerson Street.

7. Petitioner stated driveways exist on most of the properties on her street, including properties on both sides of her property. Exhs. 10(A) and 10(B).

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 lack of space to the side of the house to build a driveway of sufficient width without extending slightly in front of the house, the need to unload her children, including one with disabilities, away from the dangers of traffic on Emerson Street, building a standard 10-foot-wide driveway on her property requiring only a slight extension in front 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a waiver of the parking area location requirement and a variance of 1 foot side lot line setback for an accessory building in order to validate an existing condition and construct a 10' x 26' driveway in the front yard on the property located at Lot 32, Block 11, Woodlawn Subdivision, being 6939 Emerson 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.

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.