

*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-93-13 Mary Phillips

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 6, 2013 .

**CERTIFICATE OF SERVICE**

This is to certify that on November 14, 2013, 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  
DPIE/Inspections Division  
Lewisdale Citizens Association

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

Petitioner: Mary Phillips

Appeal No.: V-93-13

Subject Property: Lot 8, Block 9, Lewisdale Subdivision, being 6910 22nd Place, Hyattsville,  
Prince George's County, Maryland

Witness: Bernard Winchester Jr., Petitioner's son

Heard: October 23, 2013; Decided: November 6, 2013

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 front yard at least 25 feet in depth; 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 60 feet from the front street line and generally be located only in the rear yard. Petitioner proposes to validate existing conditions and construct a driveway in the front yard. A variance of 3.5 feet front yard depth and a waiver of the parking area location requirement; and a variance of 18 feet front street line setback and a waiver of the rear yard location requirement 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 1946, contains 6,480 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 single-family dwelling was built in 1951. Exhs. 6 and 7.

2. On or about September 19, 2013, Violation Notice BVN 32788-13-01 was issued by the Inspections Division of the Department of Permitting, Inspections and Enforcement to Petitioner requiring her to obtain a building permit for two separate driveways in front of the house or remove them. Exh. 14. Petitioner confirmed that it might appear that two driveways were being built because they were preparing to put the driveway on the right side (Exh. 4(A)), but an area to the left of that was cleared when they found out that it could go in front if she obtained a variance.

3. Petitioner would like to construct a 21' x 30' driveway in front of the house, but variances are needed to obtain a building permit. Since the driveway will 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. Variances are also needed to validate the following existing conditions on the property: a) the covered front porch is located only 21.5 feet from the front street line, requiring a variance of 3.5 feet front yard depth, and b) the shed is located in the side yard, 42 feet from the front street line, requiring a variance of 18 feet front street line setback and a waiver of the rear yard location requirement. Exh. 10.

5. Petitioner testified that she currently has no driveway and there are usually limited places to park her car on the street. She stated that she has had a hip replacement and sometimes has to walk a distance with groceries when parking on the street. She testified that some of her neighbors have driveways. Exhs. 8(A) through (D).

6. Bernard Winchester, Petitioner's son, testified that a fire hydrant exists to the right side of the subject property and a gas valve and telephone pole on the left side.

7. Lewisdale Citizens Association stated that a number of properties have parking pads in the front yards that take up only half, not the entire front, and would not object to a driveway built on one side of the front yard with grass on the other side. Exh. 16.

8. Petitioner revised the site plan to reduce the size of the proposed driveway to 15' x 19' and place it towards the right side of the front yard. Exh. 19.

#### 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 existing conditions on the property, the need for a driveway due to insufficient on-street parking, the location of a fire hydrant, telephone pole and gas valve limiting the areas where a driveway could be built, a shed and covered stoop requiring validation, 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 3.5 feet front yard depth and a waiver of the parking area location requirement; and a variance of 18 feet front street line setback and a waiver of the rear yard location requirement for an accessory building in order to validate existing conditions and construct a 15' x 19' driveway in the front yard on the property located at Lot 8, Block 9, Lewisdale Subdivision, being 6910 22nd Place, Hyattsville, Prince George's County, Maryland, be and are hereby

APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 19.

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.