

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-56-13 Gary Styles & Bernice Bryant

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: August 21, 2013 .

**CERTIFICATE OF SERVICE**

This is to certify that on September 11, 2013, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

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Anne F. Carter  
Administrator

cc: Petitioners  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
Town of Cottage City

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

Petitioners: Gary Styles & Bernice Bryant

Appeal No.: V-56-13

Subject Property: Lots 3 & 4, Block C, Moyers Park Subdivision, being 4202 Cottage Terrace, Cottage City,  
Prince George's County, Maryland

Municipality: Town of Cottage City

Heard: August 7, 2013; Decided: August 21, 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, Petitioners request that the Board approve variances from Section 27-442(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet, 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 an existing condition and construct a driveway in the front yard. A variance of 941 square feet net lot area and a waiver of the parking area location requirement are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1924, contains 4,059 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a one-story single-family dwelling and shed. Exhibits ("Exhs.") 3, 6, 7 and 21. The existing single-family dwelling was built in 1971. Exhs. 6 and 7.
2. The property is located within the municipal limits of the Town of Cottage City. Exhs. 6 and 7.
3. The lot is small in size (4,059 square feet) and narrow (40 feet wide). Exhs. 6 and 21.
4. Petitioners would like to construct a 10' x 20' driveway in the front yard, but variances are 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. In addition, since the property was created (in 1924) prior to the existence of zoning regulations and does not meet the current requirement for minimum net lot area for development with a single-family dwelling, a variance of 941 square feet net lot area was requested to validate the existing property condition. Exh. 9.
5. Petitioner Gary Styles testified that he has lived at the property for 11 years and is often unable to park his vehicle on the street. He stated that on his side of the street there are nine properties with almost the same or the same house design as his house (Exhs. 8(A) through (D)), five of those have curb cuts which were put in by the Town of Cottage City and two of those actually have driveways.

6. He stated that on either side of his front door he has gardens edged with wood barriers. Exhs. 4(A) through (D).

7. The Town of Cottage City approved the request. Exh. 22.

8. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request with regard to the description of the property contained on the record plat of subdivision (SDH 3 @ 2 – Lots 3 & 4, Block C).<sup>1</sup>

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 property being subdivided in 1924, the small size and narrowness of the property, there being insufficient on-street parking space for vehicles parked, the front door being protected by wood barriers which will provide some protection from the front yard parking, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, the 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 variance of 941 square feet net lot area and a waiver of the parking area location requirement in order to validate an existing condition and construct a 10' x 20' driveway in the front yard on the property located at Lots 3 and 4, Block C, Moyers Park Subdivision, being 4202 Cottage Terrace, Cottage City, 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 21.

BOARD OF ZONING APPEALS

By: (Original Signed)  
Bobbie S. Mack, Chairperson

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<sup>1</sup> The Subdivision Section recommended corrections to the submitted site location drawing (Exh. 2) and stated that the front stoop and driveway are not subject to the building restriction line on the record plat. Exh. 14.

**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.