

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-51-13 Tafawa Bacchus

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: July 24, 2013 .

CERTIFICATE OF SERVICE

This is to certify that on August 19, 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
Other Interested Parties

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

Petitioner: Tafawa Bacchus

Appeal No.: V-51-13

Subject Property: Lot 8, Block E, Adelphi Manor Subdivision, being 2412 Kirston Street, Hyattsville,
Prince George's County, Maryland

Witness: Andrea Parahoo

Heard and Decided: July 24, 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 side yard at least 9 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. Petitioner proposes to validate existing conditions and construct a driveway in the front yard of a semi-detached single-family dwelling. Variances of 3.3 feet side yard width, 7.6% net lot coverage¹ 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 1951, contains 3,500 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and shed. Exhibits ("Exhs.") 3, 7, 8 and 19. The existing single-family dwelling was built in 1953. Exhs. 7 and 8.
2. The property is a long and narrow lot, being 100 feet deep but only 35 feet wide. Exh. 19.
3. Petitioner 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 Petitioner's proposed driveway would be in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exhs. 11 and 19.
4. Variances are also needed because of existing conditions on the property. Since the existing 4' x 4.3' covered stoop on the side of the dwelling is located 5.7 feet from the side lot line, a variance of 3.3 feet

¹ The site plan was revised to reduce the size of the proposed driveway, which reduced the amount of variance needed to 5.8% net lot coverage. Exhs. 19 and 20.

side yard width was requested. In addition, since the allowed amount of net lot coverage is already exceeded by existing development on the property, and construction of the driveway would cause it to be further exceeded, a variance of 5.8% net lot coverage was also requested. Exhs. 10 and 11.

5. Petitioner testified that his street is very narrow and parking his automobile on the street has become a problem. He further stated that most of his neighbors have driveways. Exhs. 5(A) and 5(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, existing conditions needing validation in order to obtain a building permit, the lack of sufficient on-street parking, there being no location to put in a driveway where a portion of the driveway will not extend in front of the house, the driveway causing an increase in net lot coverage, 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 variances of 3.3 feet side yard width, 5.8% net lot coverage and a waiver of the parking area location requirement in order to validate existing conditions and construct a 10' x 20' driveway in the front yard of a semi-detached single-family dwelling on the property located at Lot 8, Block E, Adelphi Manor Subdivision, being 2412 Kirston 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 revised (2) 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.