

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-33-13 Cathy Gorn

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: June 19, 2013.

CERTIFICATE OF SERVICE

This is to certify that on July 30, 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
Town of Berwyn Heights
Other Interested Parties

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

Petitioner: Cathy Gorn

Appeal No.: V-33-13

Subject Property: Lot 47, Block 17, Berwyn Heights Subdivision, being 5706 Goucher Drive, Berwyn Heights, Prince George's County, Maryland

Municipality: Town of Berwyn Heights

Witness: Carlton Wainwright, Hometek Contracting, Inc.

Heard: June 5, 2013; Decided: June 19, 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 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 validate and obtain a building permit for a driveway extension in the front yard. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1963, contains 8,705 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2-3, 10-11. The existing dwelling was built in 1964. Exhs. 10-11.
2. The property is an odd-shaped lot, with side lot lines extending back from the street at an angle and an irregular rear property line. The side lines of the house are in line with the side lot lines and the house sits at an angle to the street. Exh. 2.
3. Petitioner was issued Building Violation Notice BVN 13664-2013, dated May 15, 2013, by the Department of Environmental Resources, requiring Petitioner obtain a building permit for driveway expansion or remove the enlarged driveway and restore the area to its previous condition. Exh. 6.
4. Petitioner would like to validate the condition and obtain a building permit for the 11' x 20' driveway extension, but a variance is needed. Since the driveway extension is located in the portion of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was requested. Exh. 14.
5. Petitioner testified that there are many driveways in front of houses in the neighborhood and neighbors have not objected to the driveway extension.
6. The Town of Berwyn Heights recommended approval of the variance. Exh. 20.

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 unusual shape of the lot, the side property lines running at an angle to the street, 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 waiver of the parking area location requirement in order to validate and obtain a building permit for an 11' x 20' extension to the existing driveway in the front yard on the property located at Lot 47, Block 17, Berwyn Heights Subdivision, being 5706 Goucher Drive, Berwyn Heights, 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.