



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-57-23 Marvie B. Foster

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 8, 2023.

CERTIFICATE OF SERVICE

This is to certify that on January 24, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Barbara J Stone", is written over a horizontal line.

Barbara J Stone
Administrator

cc: Petitioner
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

Petitioner: Marvie B. Foster

Appeal No.: V-57-23

Subject Property: Lot 26, Block 1, Riggs Manor Subdivision, being 2411 Sheridan Street,
Hyattsville, Prince George's County, Maryland

Witnesses: Michelle Foster, Granddaughter
Norris Vassal, Contractor

Heard and Decided: November 8, 2023

Board Members Present and Voting: Bobbie S. Mack, Chair
Renee Alston, Member
Teia Hill, Member

Board Members Absent: Carl Isler, Acting 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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-4202(f)(1) prescribes that a lot shall have a minimum width of 60 feet at the building line and a lot frontage at front street line a minimum width of 48 feet. Section 27-11002 (1)(a) prescribes that no parking space, parking area, or parking surface other than a driveway no wider than its associate garage, carport, or other parking structure may be built in the front yard of a dwelling, except a "dwelling, townhouse" or "dwelling, multifamily", in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate existing conditions (lot width at the building line and frontage width at front street line) and obtain a building permit for the proposed driveway in front of the house (20' x 10'). Variances of 22 feet lot width at the building line, 10 feet lot width at front street line 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 4,180 square feet, is zoned RSF-A (Residential, Single-Family-Attached) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).
2. The subject property has a unique rectangular shape as the dwelling is a duplex, the lots are narrow (38 feet wide) and long (110 feet in length). This property is not within the city limits of Hyattsville. Exhs. 2, 3, 7, 8 and 9 (A) thru (F).
3. Petitioner proposes to validate existing conditions (lot width at the building line and frontage width at front street line) and obtain a building permit for the proposed driveway in front of the house (20' x 10'). Variances of 22 feet lot width at the building line, 10 feet lot width at front street line and a waiver of the parking area location requirement are requested. Exhs. 2, 3, 7, 8 and 9 (A) thru (F).

4. Petitioners' granddaughter Michelle Foster testified that her grandmother is 93 years old with mobility issues. Being that there is a lack of parking spaces due to the narrowness and length of the surrounding lots, and they currently do not have a driveway; this presents safety and health concerns for her grandmother as she is unable to walk very far. In order to avoid double parking or her having to walk a couple of blocks to the car, she is requesting a driveway. Most of the neighbors do have driveways so the request is not outside the neighborhood's character. Exhs. 2, 4 (A) thru (D) and 5 (A) thru (F).

5. Mr. Norris Vassal stated during the permit process, they were told they would need a variance to complete the permit process. Currently, there is a walkway that runs from the street to the house. The driveway will connect to that walkway for her access. The driveway will be 4 feet from the house (bay window). Exhs. 2 and 4 (A) thru (D).

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

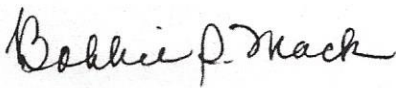
Findings of the Board

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 27-3613(d), more specifically:

Due to the Petitioner being 93 years old with mobility issues, being unable to walk blocks to the home, for the safety of the aging Petitioner, 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 due the unique rectangular shape of the property and narrowness and length of the lots. The petitioner's neighbors have similar issues with their lots and have been granted the ability to construct driveways; therefore, this request does not substantially impair the use and enjoyment of adjacent properties. The variance request is not self-inflicted, and the need is due to the narrowness and length of the lots.

BE IT THEREFORE RESOLVED, by majority vote, Mr. Isler, and Ms. Johnson absent, that variances of 22 feet lot width at the building line, 10 feet lot width at front street line and a waiver of the parking area location requirement in order to validate existing conditions (lot width at the building line and frontage width at front street line) and obtain a building permit for the proposed driveway in front of the house (20' x 10') on the property located at 2411 Sheridan 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: 
Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By: Ellis Watson
Ellis Watson, Esq.

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 27-3613 (c)(10)(B) 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.

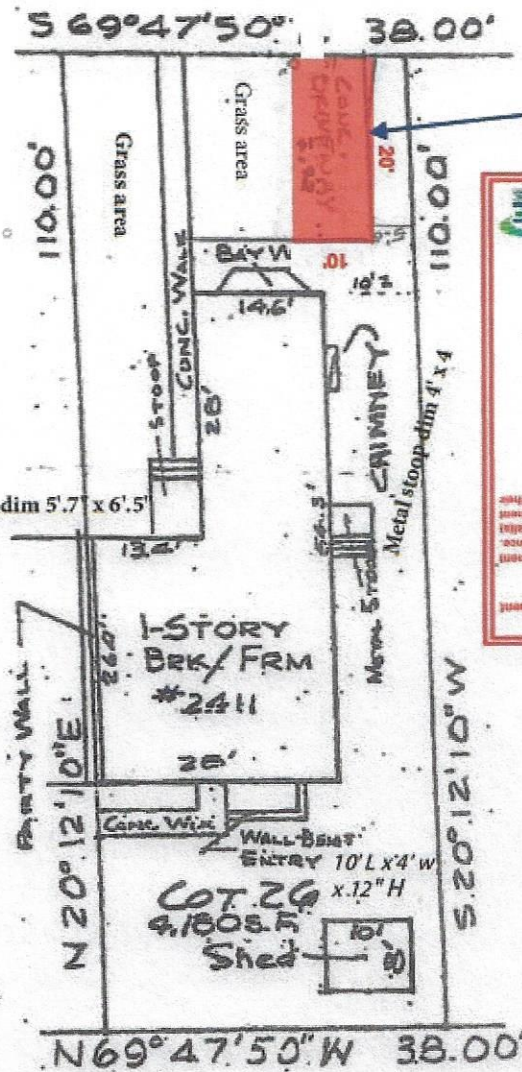
Signature: Ellis F. Watson
Ellis F. Watson (Jan 23, 2024 15:17 EST)


Email: efwatson@co.pg.md.us

BOARD OF APPEALS

APPROVED NOV 08 2023

ADMINISTRATOR



 DPE
Division of Permitting & Enforcement

Prince George's County, Maryland
Department of Permitting, Inspections and Enforcement

APPROVED PERMIT SET

The Department of Permitting, Inspections and Enforcement
has completed a review of this document for code compliance.
As required by State Code, the design professional(s)
responsible for the inspection and content of this document
must provide a recent copy of these documents with their
original seal, signature and date.

CASE NAME: ROSSMANER S
APPLICATION NUMBER: 0525-003-0W
PERMIT NUMBER: 707020
ISSUANCE DATE: 09/20/2011

Diana Ferguson
Address:

Lot(s), Block(s) and Parcel(s): L7 28 04 1

- 3% Maximum Slope Allowed On
Nonlanded Property
- 7% Maximum on Paving Red Slopes
and 15% Maximum on Unpaved Slopes
- 12% Maximum Slopes Permitted
On Yard or Lawn Areas, Up to 10'
Maximum Slopes on Any Other
Paving is Prohibited.



Lot Lc is in Zone A,
100-year Flood Plain. As shown on
FEMA Map #45208 2025C, Date 6-18-87

HOUSE LOCATION PLAT	LOT 26	CERTIFICATION: I hereby certify the plan shown hereon is correct and the buildings have been located by actual measure- ments. This is not a preliminary line survey.
2411 SHERIDAN	BLOCK	
STREET	PLAT BK. V	
RIGGS MANOR	PLAT NO. 92	
PRIOR TO REC. OF COUNTY	SCALE 1"=20'	
	DATE 6-6-94	

VYKORN, INC.