

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-25-17 Maria Nolasco

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 May 3, 2017 .

**CERTIFICATE OF SERVICE**

This is to certify that on May 9, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone  
Acting Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
Mark Maier, Spanish Language Interpreter

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

Petitioner: Maria Nolasco

Appeal No.: V-25-17

Subject Property: Lot 38, Block B, Hampshire Heights Subdivision, being 810 Berkshire Drive, Hyattsville,  
Prince George's County, Maryland

Witnesses: William Grandos Nolasco, Braylan Alexander Cubias Nolasco, Diana Paola Barrios Nolasco  
(Petitioners' minor children)

Spanish Language Interpreter Services: Mark Maier

Heard: April 12, 2017; Decided: May 3, 2017

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 construct a driveway 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 1950, contains 4,269 square feet, is zoned R-T (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling. Exhibits (Exhs.) 2, 3, 4, (A) thru (B), 6 and 17.
2. Petitioner would like to construct a 10' x 25' driveway. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling. Since Petitioner's driveway will be located in the prohibited area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 11 and 17.
3. Petitioner Maria Nolasco testified she would like to construct a parking area or driveway on her property because of the lack of available street parking spaces. Exhs. 2, 4 (A) thru (B), 8, (A) thru ((D) and 17.
4. Ms. Nolasco stated that the majority of the dwellings in the area have driveways, including some with driveways located in the front of houses. Exhs. 8 (A) thru (D).
5. Ms. Nolasco further stated that she could not place the driveway on the left side of the house because of the location of a fire hydrant and utility pole. Exhs. 4 (A) thru (B) and 8 (A) thru (D).

6. Section III-97, STD 500.12 of the Regulations and Standards for Road and Bridges (Department of Public Works & Transportation “DPW&T”) prescribes that there must be 5 feet between the apron flare and the utility pole. Exh. 17.

7. On May 3, 2017, Petitioner submitted a revised site plan showing a shorter proposed driveway (10' x 20') located towards the center of the property away from the utility pole. Exh 17.

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 DPW&T regulations for the location of a driveway apron flare in close proximity to utility pole, submission of a shorter proposed driveway 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 construct a 10' x 20' driveway with a 3' x 20' walkway to the left of the driveway, in the front yard on the property located at Lot 38, Block B, Hampshire Heights Subdivision, being 810 Berkshire Drive, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 17.

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.