



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

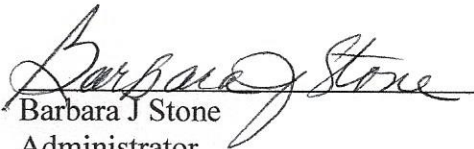
OF BOARD OF APPEALS

RE: Case No. V-44-21 Marleny Reyes

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 28, 2021.

CERTIFICATE OF SERVICE

This is to certify that on 9/16/2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


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: Marleny Reyes

Appeal No.: V-44-21

Subject Property: Lot 7, Block L, Parkland Subdivision, being 1801 East-West Highway, Hyattsville,
Prince George's County, Maryland

Witness: Roger Flores, Husband

Heard: June 9, 2021; Decided: July 28, 2021

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 a variance from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-120.01(c) 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 (front building line width, side yard width and net lot coverage) and obtain a building permit for the construction of a driveway in front of the house on the property. Variances of 10 feet front building line width and 1.7 feet side yard width and waiver of the parking area location requirement were requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains square feet 6,600, is zoned R-55 (One-Family-Detached Residential), and is improved with a single-family dwelling, wood deck, concrete patio and shed with wood deck. Exhibits (Exhs.) 2, 3, 9, 10 and 11 (A) thru (H).
2. Petitioner proposes to validate existing conditions (front building line width, side yard width and net lot coverage) and obtain a building permit for the construction of a driveway in front of the house. The front building line width requires 65 feet, but the current measurement is only 55 feet, requiring a variance of 10 feet. The wood deck on the left side of the property is 6.3 feet from the property line, requiring a side yard variance of 1.7 feet. Because the proposed driveway will be located in front of the dwelling, a waiver of the parking area location requirement is requested. Exhs. 2, 3, 9, 10 and 11 (A) thru (H).
3. Mr. Roger Flores testified that the reason for the driveway is vehicular safety associated with the constant speeding car and hazardous cross use of the service road by drivers which runs parallel with East West Highway. She stated that the speeding cars have caused damage to cars. Exhs. 2 and 4 (A) thru (E)
4. She stated that several homes on the service road have put in driveways. subdivision or pictures. She further stated the community has discussed speed bumps on the road, but to no avail.

5. A revised site plan was submitted which included the Site Roads Apron Permit approval. Exh. 16.

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

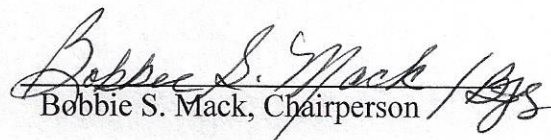
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the existence of a service road located parallel to East-West Highway (an extremely busy road), the need for safety of family and property, 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 10 feet front building line width and 1.7 feet side yard width and waiver of the parking area location requirement in order to validate existing conditions (front building line width, side yard width and net lot coverage) and obtain a building permit for the construction of a driveway in front of the house on the property located at 1801 East-West Highway, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved revised site plan, Exhibit 16.

BOARD OF ZONING APPEALS

By:


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.



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LEGEND:

---X---X---	IRON FENCE (IF)
---X---X---	WOOD FENCE (WF)
---X---X---	CHAIN LINK FENCE (CLF)
---X---X---	VINYL FENCE (VF)
---X---X---	WIRE FENCE
---	BRL
---	UTILITY EASEMENT
---	PROPERTY LINE
---	BUILDING LINE
---	WOOD DECK
---	CONC DRIVE/AREA
---	ASPHALT DRIVE
---	GRAVEL AREA
---	BRICK AREA
---	REBAR & CAP FOUND
---	IPS - IRON PIPE SET
---	IPF - IRON PIPE FOUND
---	AC - AIR CONDITION UNIT
---	TRMR - TRANSFORMER
---	WM - WATER METER
---	P/W - PARTY WALL
---	B/W - BAY WINDOW
---	C/W - CELLAR WELL
---	W/W - WINDOW WELL
---	O/H - OVERHANG
---	R/W - RIGHT-OF-WAY
---	EXH FAN - EXHAUST FAN
---	AW - AREAWAY
---	CHM - CHIMNEY
---	POR - PORCH
---	ST - STOOP
---	BRL - BUILDING RESTRICTION LINE
---	SH - SHED
---	SF - SQUARE FEET
---	ESMT - EASEMENT
---	COV POR - COVERED PORCH
---	ENCL POR - ENCLOSED PORCH
---	ADDN - ADDITION
---	ENTR - ENTRANCE
---	PUE - PUBLIC UTILITY EASEMENT
---	PIE - PUBLIC IMPROVEMENT EASEMENT
---	PROP COR - PROPERTY CORNER
---	YL - YARD LINE
---	NF - NO PIPE FOUND
---	LP - LIGHT POLE
---	BALC - BALCONY

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 is responsible for the preparation and content of this document. The applicant must provide a record copy of these documents with the original seal, signature and date.

Case Name: PARKLAWN
Case Number (Permit #): 11019-2021-0
Case Type: DW
Issuance Date: 6/11/2021
Address: 1801 EAST WEST HWY HYATTSVILLE, Maryland 20783

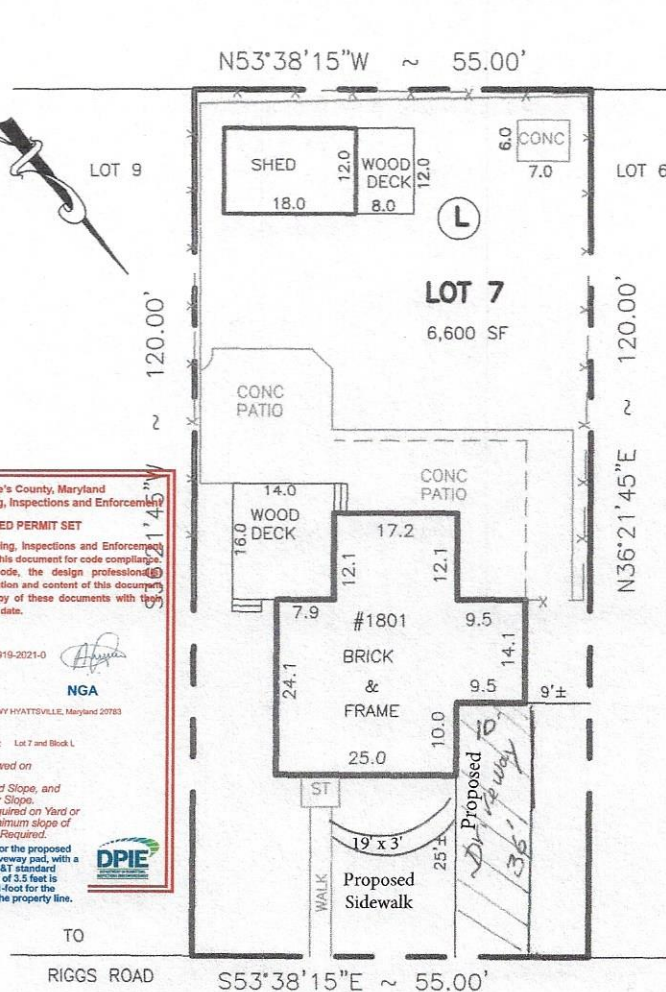
Lot(s), Block(s) and Parcel(s): Lot 7 and Block L

-3:1 Maximum Slope Allowed on Residential Property
-7% Maximum Parking Pad Slope, and
-2.5% Maximum Driveway Slope.
-2.5% Minimum Slope Required on Yard or Lawn Areas. 10' in 10' Minimum slope of Pad away from Building is Required.

Note: Site road approval is for the proposed 19'x3' lead walk, 10'x36' driveway pad, with a single driveway apron. DPW&T standard 200.61. A minimum set back of 3.5 feet is required for the apron, and 1-foot for the on-site driveway pad, from the property line.

NGA

DPIE



BOARD OF APPEALS

APPROVED

JUL 28 2021

ADMINISTRATOR

SURVEYOR'S CERTIFICATE

I hereby certify that this drawing is based on a field survey made on 3/17/2021 by me or directly under my supervision and to the best of my knowledge, information & belief correctly represents the facts found at the time of survey.

EXH. # 16
V-44-21

NOTES:

- This drawing is not intended for the use in the establishment of property lines.
- This drawing is only valid within six months from the date hereof.
- For title purposes only.
- No title report furnished at this time; subject to all easements and right of way of record and as may be stated in deed(s) and noted on record plat.
- Party walls may not be on line. No access for interior measurements.
- Encroachments may exist. Property corners have not been set with this survey. Property information was taken from best available records.
- This location drawing is not to be used for resubdivision purposes, construction of fences or other improvements. A boundary survey and/or lot stakeout would have to be performed to determine the location of all property lines shown. Fence lines, if shown, does not indicate accurate position or ownership.
- Flood zone and certificates available upon request.
- Boundary survey needed for accurate location of house, fences, sheds and all easements & rights-of-way.
- No pipes/corners found unless otherwise noted. Location based upon physical evidence.
- Accuracy of this survey is +/- 1 foot.

LOCATION DRAWING

ACCT# 17-1916352

LOT 7 BLOCK L

PARKLAWN

PLAT BOOK 17 PLAT NO. 79

17TH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND



DATE: 3/18/2021 SCALE: 1"=20' FILE: HMO-REYES DWG: 52142