



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

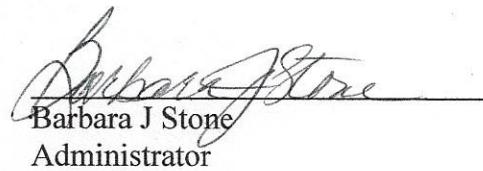
OF BOARD OF APPEALS

RE: Case No. V-46-21 Julia Stadler and Adriana Leenders

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 September 30, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
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

Petitioners: Julia Stadler and Adriana Leenders

Appeal No.: V-46-21

Subject Property: Lot 41, Block 45, Hyattsville Subdivision, being 5723 39th Avenue, Hyattsville
Prince George's County, Maryland

Municipality: City of Hyattsville

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

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Present
Albert C. Scott, Vice Chairman - Present
Anastasia T. Johnson, Member - Absent

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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) which prescribes that each lot shall have a side yard at least 7 feet in width. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to repave an existing driveway. Variances of 1.45-foot side yard width and 6.5% net lot coverage is requested.

Evidence Presented

1. The property was subdivided in 1937, contains 5,525 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and garage. Exhibits (Exhs.) 2, 3, 5, 6 and 7 (A) thru (F).

2. Petitioners propose to repave an existing driveway. Existing conditions are being validated as the side yard setback of 6.55 feet is 1.45 feet short of the required 8 feet. The existing net lot coverage is currently over the required 30% and is not changing. A variance of 6.5% is requested. Exhs. 2, 3, 5, 6 and 7 (A) thru (F).

3. Petitioner Julia Stadler stated that the existing driveway which has been in place since 1938. She further stated that the backside of the driveway is very damaged and the "old curbs are trip hazards." In addition, she stated that the current driveway is cracked, a portion of it is gravel and grass is growing through the gravel. Exhs. 2 and 4 (A) thru (L).

4. The driveway is very long (measuring 89 feet in length) extending all the way to the rear of the property where the garage is located. Exhs. 2 and 4 (A) thru (L).

5. She stated that the new paved driveway will remain essentially identical in location to the old driveway (dimensions) but will be expanded slightly in width to comply with the currently requirement of 10 feet in width for standard driveways¹. Exhs. 2 and 4 (A) thru (L).

6. The City of Hyattsville has recommended approval for the requested variances. Exh. 16.

¹ Section 23-139 (a) (1) Residential Driveway Entrances. The required width of the apron shall be not less than ten (10) feet.

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

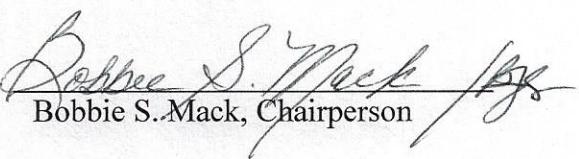
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the preexisting location of the dwelling relative to the side yard, the existing gravel driveway being built in 1938 in disrepair, the demonstrated need to replace the driveway, the driveway being elongated adding disproportionately to the net lot coverage, the side curbs constituting a safety hazard, the requirement to comply with Section 23-139 (a) (1) of the Zoning Ordinance for new driveway construction adding to 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Anastasia Johnson absent, that variances of 1.45-foot side yard width and 6.5% net lot coverage in order to validate existing conditions (side yard width and net lot coverage) to obtain a building permit for the repair of an existing driveway on the property located at 5723 39th Avenue, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2.

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:

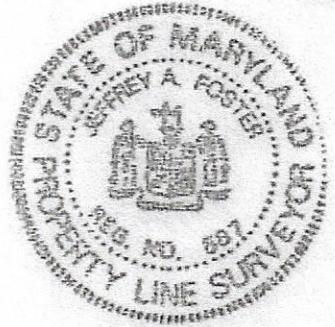
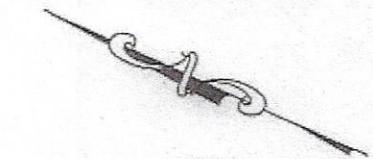
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

CONSUMER INFORMATION NOTES:

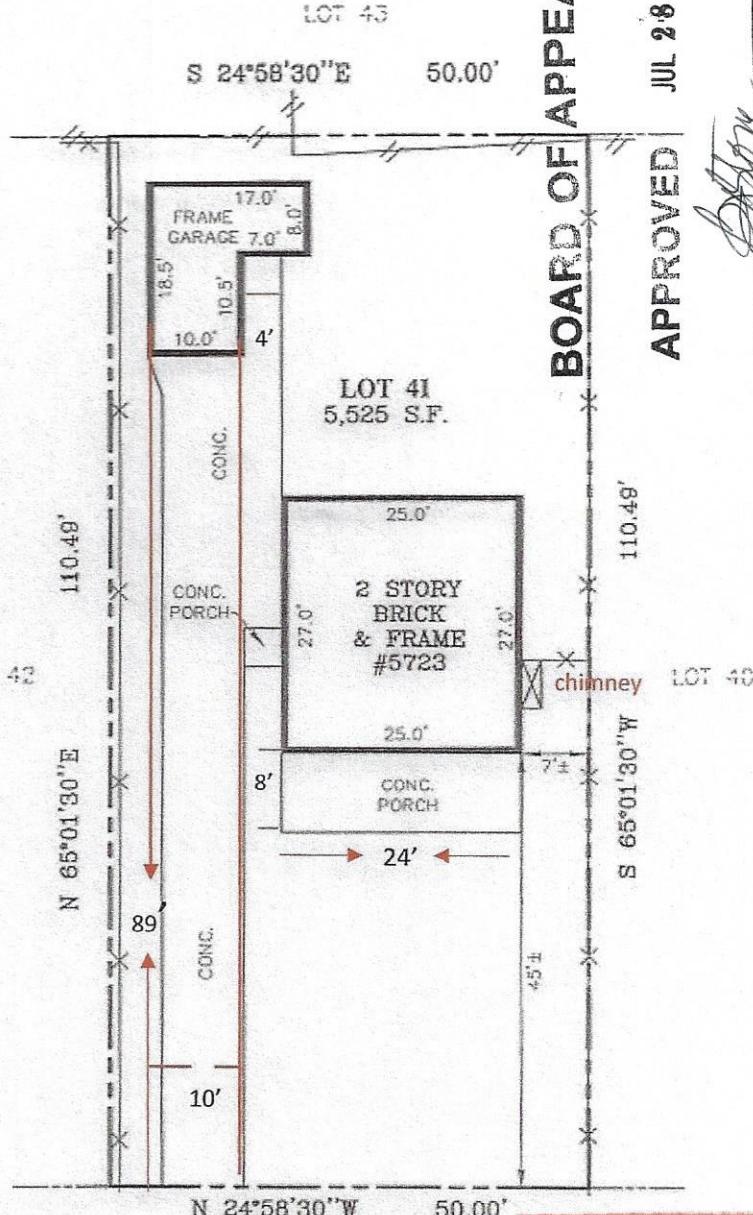
- This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
- This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
- Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
- No Title Report furnished.

Notes

- Flood zone "C" per H.U.D. panel No. 0025C.
- Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1 foot.
- Fences, if shown, have been located by approximate methods.

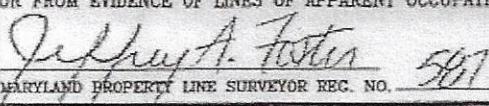



LOCATION DRAWING
LOT 41, BLOCK 25
HYATTSVILLE HILLS
PRINCE GEORGE'S COUNTY, MARYLAND



39TH AVENUE
(50' WIDE R/W PER PLAT)

EXH. # 2
V-46-21

SURVEYOR'S CERTIFICATE		REFERENCES	SNIDER & ASSOCIATES SURVEYORS - ENGINEERS LAND PLANNING CONSULTANTS 20270 Goldenrod Lane, Suite 110 Cermantown, Maryland 20876 301/948-5100, Fax 301/948-1286	
THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.		PLAT BK. 4 PLAT NO. 82		
		LIBER	DATE OF LOCATIONS	SCALE: 1" = 20'
FOLIO		WALL CHECK:	DRAWN BY: M.O.	
HSE. LOC.: 07-05-07		JOB NO.: 07-4026		

BOARD OF APPEALS

JUL 28 2001

APPROVED



ADMINISTRATOR