



# 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*

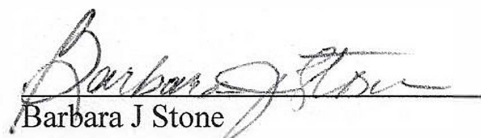
### *OF BOARD OF APPEALS*

RE: Case No. V-130-21 Merton Hutchinson

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: January 6, 2022

## **CERTIFICATE OF SERVICE**

This is to certify that on July 26, 2022, 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: Hutchinson Merton

Appeal No.: V-130-21

Subject Property: Lot 6, Block D, Palmer Park Subdivision, being 7724 Penbrook Place, Hyattsville, Prince George's County, Maryland

Heard and Decided: January 6, 2022

Board Members Present and Voting: Albert C. Scott, Vice Chairman  
Anastasia T. Johnson, Member

Board Member Absent: Bobbie S. Mack, Chairperson

**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 variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Section 27-120.01(c) 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 existing conditions (front yard depth, net lot coverage, accessory buildings (two-sheds) and waiver of parking area). Variances of 5 feet front yard depth, 13.1% net lot coverage, 2 feet rear lot line setback, (accessory buildings for two-sheds) and a waiver of the parking area location requirements are requested.

**Evidence Presented**

1. The property was subdivided in 1954, contains 3,717 square feet, is zoned R-35 (One-Family Semidetached Residential) and is improved with single-family dwelling, driveway (no apron) and two sheds. Exhibits (Exhs.) 2, 3 7, 8 and 9 (A) thru (G).
2. The subject property is improved with a semi-detached building. The lot dimensions are long and narrow being 30.00 feet wide and 105 feet in length. Exhs. 2, 3 7, 8 and 9 (A) thru (G).
3. Petitioner proposes to validate existing development conditions (front yard depth, net lot coverage, accessory buildings (two-sheds) and waiver of parking area). The dwelling was built in 1954, prior to current zoning standards. As such, a variance of 5 feet front yard setback is required to validate that condition. The current development encompasses lot coverage of 43.1%, exceeding the maximum allowable net lot coverage of 30%. Therefore, a variance of 13.1% net lot coverage is required. The pre-existing driveway is currently located in front of the house, requiring a waiver of the current parking area location requirement. Exhs. 2, 3 7, 8 and 9 (A) thru (G).
4. Petitioner Merton Hutchinson testified that when he purchased the property several years ago, it had the driveway slab, but no apron. He informed the Board that he has applied for a permit (Permit Number 36052-2021-00) for the apron which is in process. Exhs. 2, 4 (A) thru (F) and 5.

5. He explained that the on-street parking situation has been very difficult and exacerbated by many homeowners leaving cars parked in one place for weeks.

6. He testified that driveways are on properties located in the immediate area, including at his next-door neighbor to the right. Exhs. 2 and 4 (A) thru (F).

7. Mr. Hutchinson stated that the property is currently a rental unit, and it appears that the only resolution to the street parking quandary is to build the proposed driveway. He submits that the driveway pad has existed on the property without an apron, so he is only requesting permission to improve the existing apron for the driveway. Exhs. 2 and 4 (A) thru (F).

8. Petitioner emphasized that the two sheds located in the rear yard were there when he purchased the house. Exhs. 2 and 4 (A) thru (F).

9. The subject property is not located within the Town of Hyattsville. Exh. 7

#### 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.

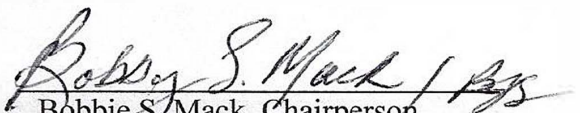
#### Findings of the Board

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

Due to the narrowness of the lot, the pre-existing development that was in place prior to current zoning requirements, the pre-existing driveway (slab) was already located in front of the dwelling, the driveway is currently without an apron and application has now been made for an apron permit, the desire to minimize on-street parking for the rental property, neighborhood driveways already exist 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, by majority vote, Ms. Bobbie Mack absent, that a variances of 5 feet front yard depth, 13.1% net lot coverage, 2 feet rear lot line setback, (accessory buildings for two-sheds) and a waiver of the parking area location requirements in order to validate existing conditions (front yard depth, net lot coverage, accessory buildings (two-sheds) and waiver of parking area). on the property located at 7724 Penbrook Place, Hyattsville, Prince George's County, Maryland, be and is 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

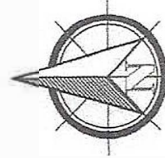
**NOTICE**

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.

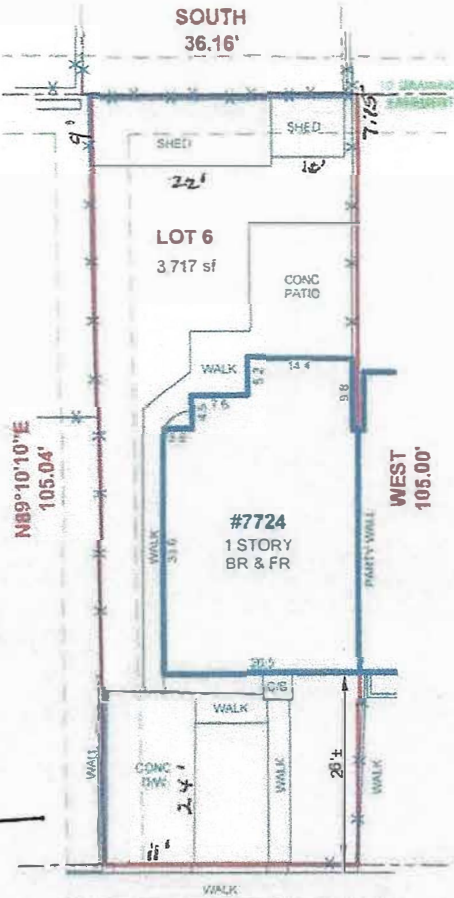
Further, Section 27-233(a) of the Prince George's County Code states:

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.





P.B. 23 @ 60



## BOARD OF APPEALS

APPROVED JAN 06 2022

*[Signature]*  
ADMINISTRATOR

R=320.00' NORTH  
A=4.64' 30.00'  
**PENBROOK PLACE**

EXH. # 2  
V-130-21

THE LEVEL OF ACCURACY OF  
DISTANCES TO APPARENT  
PROPERTY LINES IS:  $1 \pm$

### LOCATION DRAWING OF:

**#7724 PENBROOK PLACE**

**LOT 6 BLOCK D**

**SECTION 1**

**PALMER PARK**

**PLAT BOOK 23, PLAT 60**

**PRINCE GEORGE'S COUNTY, MARYLAND**

**SCALE 1"=20' DATE 08-13-2021**

**DRAWN BY: AP FILE #: 219587-200**

### LEGEND

FENCE  
B/E BASEMENT ENTRANCE  
B/W BAY WINDOW  
BR BRICK  
BRL BUILDING RESTRICTION LINE  
BSMT BASEMENT  
C/S CONCRETE STOOP  
CONC CONCRETE  
DW DRIVEWAY  
EL EXISTING  
FR FRAME  
MAC MACADAM  
G GATE  
OH OVERHANG  
PUE PUBLIC UTILITY ESMAT  
PIE PUBLIC IMPROVEMENT ESMAT

### COLOR KEY:

RED RECORD INFORMATION  
BLUE IMPROVEMENTS

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### SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09 13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING OR OTHER IMPROVEMENTS. THIS PLAT 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 REFINANCING THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER FINANCING OR REFINANCING. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED TEMPORARY MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

### DULEY & ASSOC.

WILL GIVE YOU A 100%  
FULL CREDIT TOWARDS  
UPGRADING THIS  
SURVEY TO A  
"BOUNDARY/STAKE"  
SURVEY FOR ONE  
YEAR FROM THE DATE  
OF THIS SURVEY

EXCLUDING D.C. & BALT. CITY