



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

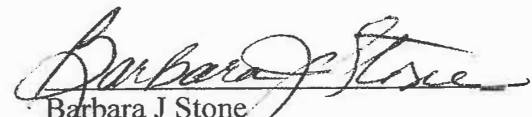
OF BOARD OF APPEALS

RE: Case No. V-16-23 Pobitra Denis D'Rozario

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: April 26, 2023.

CERTIFICATE OF SERVICE

This is to certify that on May 17, 2023, 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: Pobitra Denis D'Rozario

Appeal No.: V-16-23

Subject Property: Lot 8, Block 40, University Park Subdivision, being 6903 Adelphi Road, Hyattsville,
Prince George's County, Maryland

Municipality: University Park

Heard and Decided: April 26, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Present
Anastasia T. Johnson, Member - Present
Renee Alston, Member - Present
Carl Isler, Member - Present
Teia Hill, Member - Present

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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from 27-11002 (a) Front Yards of Dwellings, which 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 in the area between the front street line and the sides of the dwelling. Petitioner proposes obtain a building permit for the proposed driveway extension in front of the house. A variance 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 1949, contains 9,125 square feet, is Zoned RSF-65 (Residential, Single-Family - 65) and is improved with a single-family dwelling, driveway, block patio and shed. Exhibits, (Exhs.) 2, 3, 8, 9 and 10 (A) thru (G).
2. Petitioner Pobitra D'Rozario proposes to obtain a building permit for the proposed driveway extension in front of the house. A variance of the parking area location requirement is requested, as the proposed driveway extension will be located in front of the dwelling. Exhs. 2, 3, 8, 9 and 10 (A) thru (G).
3. On January 12, 2023, the Town of University Park issued a violation notice to Petitioner as a vehicle was parked on a grassy area of the subject property in violation of Town Code Section: Chapter 13, Section 13-104(e). The corrective action was to remove the vehicle from the grass and ensure that no vehicles are parked on unpaved areas. Exh. 6.
4. Mary Giles, Associate Director of Site Roads, provided an email stating that Site Roads approved a driveway permit for the existing driveway, but an apron permit must be obtained from the Town of University Park. Exh. 18.
5. Petitioner testified that the existing driveway is not in front of the house, but the proposed extension will be in front of the house. Mr. D'Rozario stated that the Code Officer from University Park

stated that as soon as the requested variance is processed and approved by the Board, the Town will continue with the steps to obtain Town approval. Exhs. 2 and 6.

6. Petitioner explained that the driveway extension was needed because he can only park two cars in the current driveway; a street sign located in front of the property states, “no parking, no standing at any time” and “down the street is Northwestern High School” and at certain times no street parking spaces are available on his street (Adelphi Road).

7. He informed the Board that last year Inspector Brown’s vehicle was hit while parked on the road during the yearly inspection of his property. He emphasized that it is very dangerous to park on the street. He testified that for safety purposes, Inspector Brown advised him to apply for a driveway extension.

8. He explained that the existing driveway cannot be extended towards the rear because an air conditioner unit is located on the right side of the house, blocking any additional parking area. Exhs. 2, 4 (A) thru (H), and 5 (A) thru (F).

9. Petitioner submitted several photographs with property addresses showing extended driveways of immediate neighbors. Exhs. 4 (A) thru (H) and 5 (A) thru (F).

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 variance complies with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to street parking was not permitted in front of Petitioner’s property, an air conditioner unit is located on the right side of the house blocking any driveway parking area elongation, vehicular traffic derived from Northwestern High School affecting on-street parking availability, the need for safe off-street parking on the busy street 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 variance of the parking area location requirement in order to obtain a building permit for the proposed driveway extension on the property located at 6903 Adelphi Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exh. 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 27-3613(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.

