

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-107-11 Henry & Adeline Bolden

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 4, 2012 .

CERTIFICATE OF SERVICE

This is to certify that on January 17, 2012 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed) _____
Anne F. Carter
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DER/Building Code Official, Permits & Review Group
Columbia Park Civic Association

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

Petitioners: Henry & Adeline Bolden

Appeal No.: V-107-11

Subject Property: Lots 12 & 13, Block 17, Columbia Park Subdivision, being 1920 Oregon Avenue,
Landover, Prince George's County, Maryland

Heard: December 7, 2011; Decided: January 4, 2012

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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, Petitioners request that the Board approve variances from 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, and 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. Petitioners propose to validate an existing condition and construct a driveway extension in the front yard. A variance of 4.9%¹ net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1894, contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 3, 7-8, 21. The existing single-family dwelling was built in 1965. Exh. 8.
2. The property consists of two 25' x 100' record lots (Lots 12 & 13). Exhs. 4, 21.
3. Petitioners wanted to construct an 8' x 20' driveway extension on the left side of an existing 9.65' x 20.20' driveway (Exh. 2), but later revised his plan to add a 4' x 16' extension (Exh. 21). Variances are needed in order to obtain a building permit for the driveway extension. Since construction of the driveway extension would add net lot coverage to an amount already exceeding the allowance and the proposed driveway extension would be located in the portion of the front yard prohibited by Section 27-120.01(c), a variance of 3% net lot coverage and a waiver of the parking area location requirement were requested. Exhs. 12, 22.

¹ When Petitioners later revised the site plan to indicate that a smaller 4' x 16' driveway extension on the left side of the existing driveway was proposed, it was determined that a variance of 3% net lot coverage would be sufficient. Exhs. 21-22.

4. Petitioner Henry Bolden testified that they would like to put in a driveway extension on the left side of the existing driveway to accommodate two-car parking. He stated that two-car driveway parking exists throughout the neighborhood, including both sides of Columbia Park Boulevard, and his next-door neighbor has received a permit to enlarge his driveway. He explained that his insurance company is stricter about cars parked on the street. Mr. Bolden stated that the property is not wide enough to put the driveway on the side of the house and the proposed extension cannot go on the right side of the existing driveway because it is already only about six inches from a neighbor's fence. Exhs. 4, 19-20.

5. Petitioner Adeline Bolden testified that parking in a driveway would be safer because of the speeding traffic on the street and security reasons.

6. Columbia Park Civic Association made no comment on the request.

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 narrowness of the side yards on either side of the house, the existing driveway already being only about six inches from the neighbor's fence, the need for additional off-street parking for security purposes, 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, Ms. Johnson absent, that a variance of 3% net lot coverage and a waiver of the parking area location requirement in order to validate an existing condition and construct a 4' x 16' driveway extension on the property located at Lots 12 & 13, Block 17, Columbia Park Subdivision, being 1920 Oregon Avenue, Landover, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised (#2) site plan, Exhibit 21.

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.