

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-11-10 Angela McMillian

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 7, 2010.

CERTIFICATE OF SERVICE

This is to certify that on April 19, 2010, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DER, Building Code Official, Permits & Review Div.

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

Petitioner: Angela McMillian

Appeal No.: V-11-10

Subject Property: Lot 31, Block E, Palmer Park Subdivision, being 7700 Greenleaf Road, Hyattsville,
Prince George's County, Maryland

Witness: Michael Daughtry

Heard: March 24, 2010; Decided: April 7, 2010

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 variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a rear yard at least 20 feet in depth/width, and 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. Petitioner proposes to validate existing conditions, replace an existing gravel driveway with concrete driveway area and construct a concrete driveway extension. Variances of 10 feet rear yard depth/width and 1.2% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 6,095 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling (with attached carport) and gravel driveway. The property was developed with a single-family dwelling in 1955. See Exhibits ("Exhs.") 3, 8, 19.

2. The property is shaped like a right triangle missing one point of the triangle, with the front and right side property lines forming the right angle. The hypotenuse of the "triangle" is the left side property line and the rear property line the missing point of the "triangle". The existing house faces the right angle at the right front corner of the property and the rear line of the semi-detached house is located at the left side property line. See Exh. 19.

3. Petitioner would like to obtain a building permit to replace the gravel driveway with a concrete driveway and construct a triangular concrete driveway extension where the driveway turns toward an existing carport. See Exh. 19. In order to obtain a building permit, variances are needed. Using the scale of the submitted site plan, the entire concrete driveway shown on the plan (except the concrete slab under the existing carport) was calculated to cover 740 square feet, bringing total net lot coverage on the

property up to 31.2%. See Exh. 10. Petitioner's site plan indicates that she chose not to include an additional parking space beside the garage, shown as an option on the statement from Petitioner's contractor. See Exhs. 6, 19. Since the allowed 30% net lot coverage is already slightly exceeded with the existing driveway, construction of the triangular driveway extension will cause that amount to be further exceeded and a variance of 1.2% net lot coverage is requested. See Exh. 10. Since the existing dwelling is located 10 feet from the rear lot line at the closest point, a variance of 10 feet rear yard depth/width is also requested to validate this existing condition. See Exh. 11.

4. Petitioner testified that the carport and a gravel driveway existed prior to her purchase of the property in 2001. She further testified that the gravel driveway turns into mud when it rains or snows, causing the ground to be torn up, driving from the street to the carport to be difficult and the property to be unattractive. She stated that it was less a problem when there was only one car, but now there are two cars to park and a concrete driveway would solve the problem. See Exhs. 4(A)-(G).

5. Petitioner submitted photographs of driveways on properties in the neighborhood within one or two blocks of her property. See Exhs. 5(C)-(H).

6. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request with regard to the description of the property contained on the record plat of subdivision for Palmer Park, Section One (WWW 23 @ 65 – Lot 31, Block E). The Subdivision Section stated that the requested variance is not in conflict with the subject record plat because no new building development is located behind the existing 9-foot building restriction line shown on the plat along the common boundary line with Lot 30. See Exh. 17.

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 unusual triangular shape of the property, the house being built in 1955, the existing house facing a corner of the property rather than the street, the existing gravel driveway having deteriorated, driving to the carport causing the ground to be torn up, the proposed concrete replacement driveway being more attractive, additional driveway area being needed to make the left turn into the carport, 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 rear yard depth/width and 1.2% net lot coverage in order to validate existing conditions, replace an existing gravel driveway with

concrete driveway area and construct a concrete driveway extension, with total concrete driveway area totaling 740 square feet, on the property located at Lot 31, Block E, Palmer Park Subdivision, being 7700 Greenleaf Road, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in conformance with the approved revised site plan, Exhibit 19.

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.