

*NOTICE OF FINAL DECISION*


*OF BOARD OF APPEALS*

RE: Case No. V-26-08 Jennifer Smith

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: May 7, 2008 .

**CERTIFICATE OF SERVICE**

This is to certify that on May 20, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
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Anne F. Carter  
Administrator

cc: Petitioner  
Adjoining Property Owners  
DER, Building Code Official, Permit & Review Div.  
M-NCPPC, Permit Review Section

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

Petitioner: Jennifer Smith

Appeal No.: V-26-08

Subject Property: Lot 15, Block C, East Fort Foote Village Subdivision, being 8918 Loughran Terrace,  
Fort Washington, Prince George's County, Maryland

Heard: April 23, 2008; Decided: May 7, 2008

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 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 a variance from Section 27-120.01(c) of the Zoning Ordinance, 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 construct a semi-circular driveway in the front yard. A waiver of the parking area requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 13,323 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, attached garage and side driveway. The existing house was built in 1977. See Exhibits 2, 3 & 5.
2. The property is odd-shaped, widening from front to rear, and located at the beginning of a curve in the street. See Exhibits 2, 3 & 6.
3. Petitioner testified that she would like to construct a semi-circular driveway in front of the house to make the front door handicapped-accessible. She stated that her father, who has suffered several strokes, and elderly mother, who has a heart condition, lived with her. Ms. Smith explained that because her father is confined to a wheelchair, a wheelchair ramp and stair lift are being installed at her house. See Exhibits 10-12.
4. Since Section 27-120.01(c) prohibits construction of driveways not leading to a carport or garage in the area of the front yard between the front street line and the sides of the dwelling, Petitioner requests a waiver of the parking area requirement so that she may obtain a building permit.

5. Petitioner further explained that her house does not have a side entrance and the proposed driveway is necessary for a vehicle to pull up to the front entrance of the house. She stated that there are outdoor steps between the front door and the side driveway (Exhibit 4) and additional steps would have to be used to access the garage from inside the house.

6. Ms. Smith further testified that a property on the other side of Fort Foote Park has a circular driveway.

#### 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 unusual shape of the property, the existing conditions on the property, there being no side entrance on the house, the property being located at the beginning of a curve in the street, the proposed driveway not creating an overage of net lot coverage, the need for the front door on the house to be easily accessible to any vehicle transporting a handicapped resident of the property, 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 waiver of the parking area requirement in order to construct a semi-circular driveway in the front yard on the property located at Lot 15, Block C, East Fort Foote Village Subdivision, being 8918 Loughran Terrace, Fort Washington, 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, Exhibit 2.

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.