

*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-3-10 San Tse

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: February 24, 2010.

**CERTIFICATE OF SERVICE**

This is to certify that on March 8, 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.  
DER, Licenses & Inspections Div.  
Municipality

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

Petitioner: San Tse

Appeal No.: V-3-10

Subject Property: Part of Lot 102, Second Addition to Morningside and Resubdivision and Replats of  
Morningside and Addition to Morningside Subdivision, being 6617 Woodland Road,  
Suitland, Prince George's County, Maryland

Municipality: Town of Morningside

Witness: Bernard Peters

Heard: February 3, 2010; Decided: February 24, 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), which prescribes that each lot shall have a front yard at least 25 feet in depth; Section 27-422(c)(1), which prescribes that steps, terraces, and open porches (not over one (1) story high) may only extend beyond the front building line up to nine (9) feet; 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. Petitioner proposes to validate and obtain a building permit for a new driveway in the front yard and steps. A variance of 11 feet front yard depth and a waiver of the parking area requirement are requested.

Evidence Presented

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

1. The property contains 7,477 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property was developed with a single-family dwelling in 1942. See Exhibits ("Exhs.") 2, 3, 10.
2. The property is part of a record lot subdivided in 1940, and the property was created by deed later in 1940. See Exhs. 3-5.
3. The property is trapezoid-shaped with parallel side lot lines. The house sits at an angle to the side and rear property lines. See Exh. 2.

4. Late in 2009, the Licenses and Inspections Division of the Department of Environmental Resources issued Violation Notice BVN 33287-2009 requiring Petitioner to either obtain a building permit for a driveway and steps constructed without a permit or remove them. See Exhs. 7-8.

5. Petitioner would like to keep the driveway and steps, but variances are a prerequisite to obtaining a building permit. Petitioner's new 20' x 25' driveway is located entirely in the area of the front yard directly in front of the house. See Exh. 2. Because the driveway is located in the area prohibited by Zoning Ordinance Section 27-120.01(c), a waiver of the parking area requirement was requested. In addition, because the existing front stoop and steps are located 14 feet from the front street line and Section 27-422(c)(1) only permits them to extend 9 feet in front of the house, a variance of 11 feet front yard depth was also requested.

6. Petitioner testified that a pre-existing concrete driveway in front of the house was in poor condition and unattractive. Petitioner stated that he constructed a slightly wider concrete driveway in the same location as the old driveway and constructed a new open front porch, replacing an old wooden porch, to make the front of the house more attractive.

7. Bernard Peters, Petitioner's consultant, testified that he did not see cars parked on the street and observed that everybody in the neighborhood has curb cuts wide enough for two cars.

8. The Town of Morningside did not provide any comments on the request. See Exh. 18.

#### 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 shape of the property, the location of the house on the lot, an existing cracked and unattractive concrete driveway in front of the house having been replaced by only a slightly larger concrete driveway, an existing old wooden porch on the front of the house having been replaced by a new open porch, 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 11 feet front yard depth and a waiver of the parking area requirement in order to validate and obtain a building permit for a new driveway in the front yard and steps on the property located at Part of Lot 102, Second Addition to Morningside and Resubdivision and Replats of Morningside and Addition to Morningside Subdivision, being 6617 Woodland Road, Suitland, Prince George's County, Maryland, be and are hereby

APPROVED. Approval of the variances 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.