

*NOTICE OF FINAL DECISION*


*OF BOARD OF APPEALS*

RE: Case No. V-46-08 Keith & Toni Crowder

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: June 18, 2008 .

**CERTIFICATE OF SERVICE**

This is to certify that on June 25, 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***

Petitioners: Keith & Toni Crowder

Appeal No.: V-46-08

Subject Property: Lot 19, Block E, Ritchie Heights Subdivision, being 1206 Darlington Street, District Heights, Prince George's County, Maryland

Witness: Tanya Renee James

Heard: June 4, 2008; Decided: June 18, 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 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have one side yard at least 9 feet in width, 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 additional driveway area in the front yard to widen an existing driveway. A variance of 3 feet side yard width 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 was subdivided in 1956, contains 7,063 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The existing house was built in 1964. See Exhibits 2, 3 & 5.
2. The property is almost 130 feet deep, but is only 55 feet wide (Exhibits 2 & 3).
3. Petitioners would like to construct an additional 5.9' x 22' driveway area to widen the existing 20.70' x 21.5' driveway. Since the new driveway area would be located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area requirement was requested.
4. To obtain a building permit for the new driveway area, an existing condition must also be validated. Since an existing above-grade landing on the right side of the dwelling is located 6 feet from the side lot line, a variance of 3 feet side yard width was also requested.
5. Petitioner Toni Crowder testified that she needs to widen the driveway in order to have space to park her car. She explained that since she is not permitted to park on the street in front of the mailbox located in the front of her house, she has lost an on-street parking space, and is forced to park her car in

front of one of her neighbors' houses. She also stated that one of her vehicles has been side-swiped when parked on the street.

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 exceptional narrowness of the property, an existing condition on the property, the house being built many years ago, the lack of sufficient on-street parking space, 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, unanimously, that a variance of 3 feet side yard width and a waiver of the parking area requirement in order to validate an existing condition and construct additional driveway area in the front yard to widen an existing driveway on the property located at Lot 19, Block E, Ritchie Heights Subdivision, being 1206 Darlington Street, District Heights 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.