

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

RE: Case No. V-60-09 Anita Williams

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: September 23, 2009.

**CERTIFICATE OF SERVICE**

This is to certify that on October 20, 2009, 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.  
Municipality  
8<sup>th</sup> Precinct Civic Association

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

Petitioner: Anita Williams

Appeal No.: V-60-09

Subject Property: Lot 17, Block D, Wood Manor Subdivision, being 3532 Manorwood Drive,  
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Michael Jones, M & M Home Improvement

Heard and Decided: September 23, 2009

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 front yard at least 25 feet in depth; Section 27-442(c)(Table II), which prescribes that not more than 40% 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. Petitioner proposes to validate existing conditions, extend an existing front stoop and construct a driveway in the front yard of a triple-attached dwelling. Variances of 1 foot front yard depth, 6.6% net lot coverage and a waiver of the parking area requirement for a driveway in the front yard are requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 2,002 square feet, is zoned R-20 (One-Family Triple-Attached Residential) and is improved with a single-family triple-attached dwelling and shed. The property is located in the Gateway Arts District Development Overlay Zone. The existing house was built in 1955. See Exhibits ("Exhs.") 2, 4 & 6.
2. The property has no side yards and being an inner lot, it is narrower than the adjoining lots on either side. The subject lot is 18 feet wide, while the lots on either side are 26 feet wide. See Exhs. 4 & 7.
3. Petitioner would like to construct a 12.58' x 24.58' driveway in the front yard and extend the existing front stoop by constructing an 11.3' x 3' open porch along the front of the dwelling. Because the driveway would be located in front of the house, which is prohibited by Section 27-120.01(c), a waiver of

the parking area requirement was requested and because the existing covered stoop is, and the proposed open porch would be, 24 feet from the front street line, a variance of 1 foot front yard depth was requested. See Exhs. 2 & 9. Because construction of the driveway would cause the allowable amount of net lot coverage on the property to be exceeded, a variance of 6.6% net lot coverage was also requested. See Exhs. 2, 8 & 9.

4. Petitioner testified that the proposed driveway will be in front of a new basement entrance, which would allow access by wheelchair for her mother who suffers from dementia.

5. Petitioner further testified that other driveways have been constructed on her street. See Exh. 7.

6. Michael Jones, Petitioner's contractor, testified that a short, steep slope in the front yard precludes construction of a wheelchair ramp to access the front door. See Exh. 5. Mr. Jones stated that the front yard would be excavated and two retaining walls erected on each side of the driveway. See Exh. 2.

7. The City of Hyattsville supported the approval of the variances. See Exh. 16.

8. The Subdivision Section of the Maryland-National Capital Park and Planning Commission ("M-NCPPC") reviewed the request. The Subdivision Section stated that the requested variances are in conflict with the record plat for the subject property because the proposed extended front stoop infringes on the existing recorded building restriction line (BRL) shown on the plat, and that if the requested variances are granted, Petitioner should be required to submit a minor final plat (pursuant to Section 24-108 of the Subdivision Regulations) to have the existing building restriction line removed. A minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of M-NCPPC. See Exh. 15.

#### 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 narrowness of the property, the property being an inner lot (triple-attached single family dwelling) with no side yards, the sloping topography of the front yard, the proposed driveway being needed for wheelchair access to a basement entrance, 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 1 foot front yard depth, 6.6% net lot coverage and a waiver of the parking area requirement for a driveway in the front yard of a triple-attached dwelling in order to validate existing conditions, extend an existing front stoop and construct a driveway in the front yard on the property located at Lot 17, Block D, Wood Manor Subdivision, being 3532 Manorwood Drive, Hyattsville, 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, and the approved elevation plan, Exhibit 3. Prior to the issuance of any building permits, Petitioner shall be required to submit a minor final plat (pursuant to Section 24-108 of the Subdivision Regulations) to have the existing BRL removed. A minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of M-NCPPC.

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.