

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-60-11 Joachim & Yvonne Woodridge

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: August 24, 2011.

CERTIFICATE OF SERVICE

This is to certify that on September 28, 2011, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DER/Building Code Official, Permits & Review Group

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

Petitioners: Joachim & Yvonne Woodridge

Appeal No.: V-60-11

Subject Property: Lot 26, Block J, Palmer Park Subdivision, being 2303 Matthew Henson Avenue,
Hyattsville, Prince George's County, Maryland

Heard: August 3, 2011; Decided: August 24, 2011

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(c)(Table II), which prescribes that not more than 30% 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. Petitioners propose to construct a driveway in the front yard of a semi-detached dwelling. A variance of 1% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 3,741 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a single-family semi-detached dwelling and shed. Exhs. 2, 3, 6-7. The property was improved with a single-family dwelling in 1955. Exh. 7.
2. The property is a narrow lot. A 15-foot-wide storm sewer easement runs between the subject property (Lot 26) and the property immediately to the north (Lot 27). Exhs. 2-3.
3. Petitioners would like to construct a 10' x 26' driveway in front of a semi-detached dwelling, but variances are needed in order to obtain a building permit. Exh. 2. Because construction of the driveway would cause the maximum allowed net lot coverage to be exceeded and the driveway would be located in the area of the front yard prohibited by Section 27-120.01(c), a variance of 1% net lot coverage and a waiver of the parking area location requirement were requested. Exhs. 2, 10-11.
4. Petitioner Joachim Woodridge testified that since 1968 they have lived at the property, which has no driveway. He stated that other houses in the neighborhood are without driveways. He stated that because most of the time it is difficult to find available parking spaces near their house, he parked in the yard and then decided to build a one car driveway. He explained that he had a permit to construct a driveway, began digging out the driveway, but did not realize that the permit was no longer valid. Exh. 5. He further

explained that because of the location of the easement along the side of the subject property, there is no other suitable place to put a driveway except in the front yard.

5. Mr. Woodridge further testified that he has had trouble walking (since 2003) and this health condition is the reason he previously applied for a permit to build a driveway.

6. Mr. Woodridge stated that a driveway across the street was built last year after being approved by the Board. He further stated that he would be willing to shorten the driveway (10' x 20') so that it would not extend up to the wall of the house.

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, a storm sewer easement extending along the side property line, the difficulty in finding street parking near the house, a health condition causing the need to park close to the house to minimize walking, 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 waiver of the parking area location requirement in order to construct a 10' x 20' driveway in front of a semi-detached dwelling on the property located at Lot 26, Block J, Palmer Park Subdivision, being 2303 Matthew Henson Avenue, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 18.

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.