

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-61-09 Esther Bethea

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.
DER Licenses & Inspection Division
Palmer Park Community Association

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

Petitioner: Esther Bethea

Appeal No.: V-61-09

Subject Property: Lot 46, Block 3, Palmer Park Subdivision, being 7852 Burnside Road, Landover,
Prince George's County, Maryland

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 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 complete construction of a new driveway in the front yard of a triple-attached dwelling. A waiver of the parking area requirement for a driveway in the front yard is requested.

Evidence Presented

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

1. The property was subdivided in 1957, contains 2,640 square feet, is zoned R-20 (One-Family Triple-Attached Residential) and is improved with a triple-attached single-family dwelling, driveway and shed. 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, is narrower than the adjoining lots on either side. The subject lot is 22 feet wide, while the lots on each side are 36 and 29.5 feet wide, respectively. See Exhs. 3 & 10.

3. In March 2009, Petitioner constructed a 6' x 9.5' driveway in front of the house. See Exhs. 5 & 6. Petitioner testified that the driveway is too small to accommodate her automobile and would like to enlarge the driveway by constructing an 8' x 16' driveway in the front yard. To obtain a permit for the enlargement, a variance is requested because the entire driveway will be located in front of the house, which is prohibited by Section 27-120.01(c). See Exhs. 2 & 11.

4. Petitioner testified that the County informed her that she could only get a permit for a driveway the size of 6' x 9.5' and to enlarge it, she would need a variance. She proposes to lengthen and widen the driveway by one foot on each side. See Exh. 2.

5. Petitioner further testified that off-street parking is limited and sometimes parking on the street necessitates her to walk long distances which caused her to fall in the snow last winter.

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 narrowness of the property, the property being an inner lot (triple-attached single family dwelling) with no side yards, the County having approved a building permit for a driveway too small to accommodate a standard-sized vehicle, the need for off-street parking near access to Petitioner's dwelling, 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 complete construction of a new driveway in the front yard of a triple-attached dwelling on the property located at Lot 46, Block 3, Palmer Park Subdivision, being 7852 Burnside Road, Landover, 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.