

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-78-08 Dominador Alcazar

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 6, 2008.

**CERTIFICATE OF SERVICE**

This is to certify that on August 27, 2008, 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  
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***

Petitioner: Dominador Alcazar

Appeal No.: V-78-08

Subject Property: Lot 45, Block D, Palmer Park Subdivision, being 2302 Matthew Henson Avenue,  
Hyattsville, Prince George's County, Maryland

Heard and Decided: August 6, 2008

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
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 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. Petitioner proposes to validate existing conditions and construct a driveway in the front yard of a semi-detached single-family dwelling. Variances of 5.5 feet front yard depth, 2.5% net lot coverage 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 1954, contains 3,741 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached, single-family dwelling and shed. The existing house was built in 1955. See Exhibits 2, 3 & 7.
2. The subject lot is long and narrow, being 105 feet long, but only 35.63 feet wide. See Exhibits 2, 3 & 6.
3. Petitioner would like to construct a 10' x 19.5' driveway in the front yard. Variances are needed to obtain a building permit for the proposed driveway. Construction of the driveway would cause the allowed amount of net lot coverage to be exceeded and the proposed driveway would be located in the area of the front yard prohibited by Section 27-120.01(c). A variance of 2.5% net lot coverage and a waiver of the parking area requirement were requested.
4. To obtain a building permit for the proposed driveway, an existing condition must also be validated. Since the existing front porch is only 19.5 feet from the front street line, a variance of 5.5 feet front yard depth was also requested.

5. Petitioner testified that he moved to the property in 2005. He testified that he would like to put in a front yard driveway for safer parking; due to the location of a storm drain, he is unable to construct a driveway along the side of the house; and the location of a fire hydrant further limits where a driveway could be located on the property. See Exhibit 4(A).

#### 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 house being built many years ago, the location of the existing front porch, the location of a storm drain preventing the construction of a driveway on the far right side of the property, the location of a fire hydrant further limiting where a driveway could be constructed on the property, off-street parking providing a safer place to park a vehicle, 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, by majority vote, Mr. Scott absent, that variances of 5.5 feet front yard depth, 2.5% net lot coverage and a waiver of the parking area requirement in order to validate existing conditions and construct a driveway in the front yard of a semi-detached single-family dwelling on the property located at Lot 45, Block D, Palmer Park Subdivision, being 2302 Matthew Henson Avenue, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 11.

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.