



**City of College Park
Department of Planning, Community & Economic Development
Staff Report**

Reviewer: Miriam Bader

Date: May 27, 2016

A. APPEAL INFORMATION

Appeal No.: CPV-2016-05

Hearing Date: June 2, 2016

Petitioners: Dennis and Janet McGrath

Address: 8405 48th Avenue

Election District: 1

Subdivision: Berwyn

Neighborhood Association: Berwyn District Civic Association

Zoning: R-55

Purpose of Request: To replace and expand a driveway

Requirement: 1. Section 27-120.01 (c) of the Prince George's County Zoning Ordinance states, "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, except a townhouse or multifamily dwelling, in the area between the front street line and the sides of the dwelling."

Request: 1. A variance not to exceed 16 feet in width and 31 feet in length or 496 square feet of parking area in the front of the dwelling.

Property Characteristics: 1. The property, 100-feet in width by 200-feet in length, is rectangular in shape and has an area of 20,000 square feet.
2. The original house was constructed in 1928.

3. A detached garage, 11.8-feet in width by 16-feet in length, was constructed prior to 1972 (according to a survey). A driveway apron was most likely constructed at this time in order for a vehicle to access the garage. It appears that the original driveway was 16-feet wide by 31-feet in length and led to the detached garage.
4. An addition (18-feet by 30-feet) was constructed at the location of the driveway in 1973 (according to a building permit).
5. There are many mature trees on the south side of the house.
6. There is extreme slope, 15-25%, to the north of the house.

Neighborhood
Characteristics:

1. The immediate neighborhood is zoned R-55, single-family residential. The driveway across the street from the house encroaches in front of the house. There are other driveways in the neighborhood that encroach in front of the house (Exhibit 4).

Other Information:

1. The Property Owner replaced the original driveway and constructed a new 18-foot by 22-foot brick driveway pad without obtaining a county or city building permit.
2. The Property Owner received a Building Permit Violation notice on May 5, 2016 for failure to obtain a building permit for the installation of a brick driveway.

CRITERIA FOR GRANTING A VARIANCE

- 1. Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions.**

There are a number of exceptional conditions and extraordinary situations with this property:

1. There is extreme slope to the north of the house that limits the location of a driveway.
2. Mature trees to the south of the house also limit the location of the driveway without cutting down the trees.
3. The original curb-cut and driveway accessed a detached garage. In 1973, an addition was built on the north side of the house over a portion of the existing driveway. In 2003, the Zoning Ordinance was amended to prohibit parking in front of the house, making the remaining driveway non-conforming.

4. On-street parking is very limited in this neighborhood.

2. **The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner.**

Denial of the variance will result in unusual practical difficulties by requiring the applicant to relocate an existing curb-cut that has been in place for over 40 years and to remove part of the reconstructed driveway, an existing driveway that has been there since before 1972.

3. **The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan.**

Granting the requested variance will not impair the intent, purpose and integrity of the applicable County General Plan or County Master Plan because there are homes in this neighborhood, including across the street, that encroach in front of the house. Granting the variance will allow mature trees to remain.

C. RECOMMENDATION

Staff recommends approval of the requested variance not to exceed 16 feet in width and 31 feet in length or 496 square feet of parking area in the front of the dwelling.

D. EXHIBITS

1. Application, Site Plan and Driveway Detail
2. Violation Notice
3. Building Permit for Addition
4. Zoning and Building Footprint Map
5. Environmental Features Map
6. Driveways in the Area
7. Staff Photos



City of College Park Advisory Planning ()
 4500 Knox Road • College Park, MD
 Phone: 240-487-3538 • Facsimile: 301-
 www.collegeparkmd.gov

EXHIBIT 1

APPLICATION FOR VARIANCE FROM
 THE STRICT APPLICATION OF THE
 PRINCE GEORGE'S COUNTY ZONING ORDINANCE

Instructions: Please complete and e-mail to Miriam Bader at mbader@collegeparkmd.gov. or print out and mail to the address above. All required information must be provided before an application is accepted for processing. An appointment with the City Planning Staff must be made to review the application prior to acceptance. Please call (240) 487-3538 to schedule an appointment. The following items must accompany the application: 1) an accurate plat or site plan drawn to scale that, includes all existing structures, driveway and additions; 2) filing fee or financial hardship waiver request.

OWNER INFORMATION

Name of Property Owner (s) DENNIS R & JANET R McGRATH

Address of Property 8405 48th AVE. CP 20740

Do you reside in the property? Yes No

If no, provide home address _____

Telephone 301 474 1465 Fax _____ E-mail JMCGRATH@DEMATHA.ORG

Name of Agent/Representative (if any) _____

Address _____ Telephone _____

Have you applied for and been denied a permit? Yes No

Have you received a violation notice? Yes No If yes, date of notice May 5th 2016

Has property been the subject of a previous appeal or zoning application? Yes No

If yes, provide case number(s) and dates _____

DESCRIPTION OF PROPERTY

0290 27, 28, 29, 30 13 0000
 Subdivision Lot Block Parcel

R-55 1710 SF / LAND 2000 SF
 Zoning Total Area (Sq ft)

BERWYN DISTRICT CIVIC ASSOC.
 Civic Association Name

VARIANCE REQUEST

List each required variance on a separate line and cite the section of the Zoning Ordinance from which the variance is requested.

- 1) PG COUNTY CODE SEC. 27-120.01 (c) "NO PARKING SPACE, PARKING AREA, OR 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"
- 2) _____
- 3) _____
- 4) _____
- 5) _____

PURPOSE OF VARIANCE

Describe what you propose to do and why you need a variance.

PROPOSED DRIVEWAY & PARKING PAD TO REPLACE THE OLD & REMOVED DRIVEWAY OFF THE EXISTING DRIVEWAY APRON. CURRENT CODE DOES NOT ALLOW FOR DRIVEWAYS IN FRONT OF DWELLING

IN ORDER FOR A VARIANCE TO BE GRANTED, ALL OF THE FOLLOWING CRITERIA MUST BE MET. PLEASE INDICATE HOW YOU COMPLY WITH EACH OF THESE

Criteria #1. Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions. (Describe any special conditions and/or circumstances which are peculiar or unique to the property and, that are not characteristic of other property in the neighborhood).

OUR RESIDENCE, ON 48TH AVE. IS 1 BLOCK OFF RT. 1 IT IS IMPOSSIBLE FOR US TO PARK IN CLOSE PROXIMITY TO OUR HOME W/ THE INFUX OF CONSTRUCTION WORKERS VEHICLES AS WELL AS UOFM STUDENT'S VEHICLES PARKING ON OUR STREET. WE ARE OFTEN LEFT W/ HAVING TO TOTE GROCERIES FROM FAR AWAY PLACES AS WELL AS GUESTS THAT COME TO VISIT. THE DRIVEWAY APRON ALREADY EXISTS W/ NO FUTURE PLANS OF THE CITY TO REPLACE & RELOCATE.

Criteria #2. The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner. (The property owner is deprived of property rights commonly enjoyed by neighboring property owners because of the property's unusual features or conditions). Hardship cannot be self-imposed.

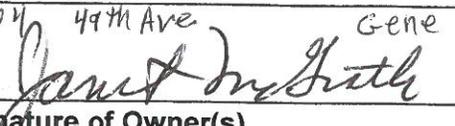
OUR REQUEST FOR A DRIVEWAY REPLACEMENT & PAD IS NO DIFFERENT FROM NEIGHBORS BEING GRANTED THE SAME. REMOVING & RELOCATING EXISTING DRIVEWAY APRON TO ACCOMMODATE EXISTING CODE WOULD BE AN ADDED COST IMPOSED ON US DUE TO THE CITY'S ENCRoACHING DEVELOPMENT. DRIVEWAY ON THE RIGHT SIDE WOULD REQUIRE REMOVAL OF SEVERAL MATURE TREES.

Criteria #3. The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. (Granting of the variance will not be in conflict with the public interest as requested in these plans).

OTHER HOUSES THROUGHOUT THE BERWYN COMMUNITY HAVE DRIVEWAYS IN FRONT OF THEIR DWELLINGS, INCLUDING & NOT LIMITED TO THE BLOCK IN WHICH WE RESIDE IE, THE HOUSE ACROSS THE STREET (8404) & 8402, 8501, 8507, & 8600

NAMES & MAILING ADDRESSES OF ALL ADJOINING PROPERTY OWNERS

(These include properties located on either side, behind and across the street from your property).

✓ 8411 48 th AVE	RICHARD WINSTON LILY FOUNTAIN	SAME
Property Address	Owner's Name	Owner's Address
✓ 8401 48 th AVE	DAMIAN BRETALL	6002 RIVER RD. BETHESDA, MO. 20816
Property Address	Owner's Name	Owner's Address
✓ 8402 49 th AVE	DELIA RODRIGUEZ LEIVA GONI ETAL	SAME
Property Address	Owner's Name	Owner's Address
✓ 8402 48 th AVE	ALTOBELLI LLC	11433 ROSEDALE LN. BELTSVILLE MD. 20705
Property Address	Owner's Name	Owner's Address
✓ 8400 48 th AVE	DAWN NICHOLS	7002 COLLEGE HEIGHTS DR. HYATTSVILLE, MO. 20782
Property Address	Owner's Name	Owner's Address
- 8404 48 th Ave	"	"
- 8404 49 th Ave	Gene Baur	Same
		5-18-2016
Signature of Owner(s)		Date
- 8406 49 th Ave.	HARRY T. FLETCHER	same

14 15 16 17

UNIMPROVED 15' ALLEY

13

31 30 29 28 27 26

20,000 sq

Frame Porch & Steps

Brick Patio

Gate 2

Overhang Frame Sp

NOTE: No bearings shown on record plat.

1" = 30'

Approx North

1,000

1,000

1 1/2 Story Frame W/B #8405

18.0 19.0 20.0 21.0 22.0 23.0 24.0 25.0 26.0 27.0 28.0 29.0 30.0 31.0 32.0 33.0 34.0 35.0 36.0 37.0 38.0 39.0 40.0 41.0 42.0 43.0 44.0 45.0 46.0 47.0 48.0 49.0 50.0 51.0 52.0 53.0 54.0 55.0 56.0 57.0 58.0 59.0 60.0 61.0 62.0 63.0 64.0 65.0 66.0 67.0 68.0 69.0 70.0 71.0 72.0 73.0 74.0 75.0 76.0 77.0 78.0 79.0 80.0 81.0 82.0 83.0 84.0 85.0 86.0 87.0 88.0 89.0 90.0 91.0 92.0 93.0 94.0 95.0 96.0 97.0 98.0 99.0 100.0

Screen Porch

25' B.R.L.?

185' to cor. @ Pontiac Street

EXISTING APRON

5.0 100' 48TH AVENUE (ANAL. TO 48TH AVENUE)

NOTES:

Not to be used for construction.

Lot corners have not been set by this survey unless otherwise indicated.



I hereby certify that I have carefully checked the improvements as shown hereon in accordance with recorded property description, and that there are no encroachments except as indicated.

WESSON COOK, JR.
Registered Professional Land Surveyor Maryland 8144

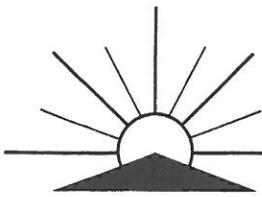
LIGHT, ELLIOTT & ASSOCIATES, INC
ENGINEERS, PLANNERS, SURVEYORS
8508 ADELPHI ROAD
ADELPHI, MARYLAND 20783
422-6080

HOUSE LOCATION SURVEY
8405 48TH AVENUE
Lot 27, 28, 29, 30 Block 13 Section
ADDITION TO
BERWYN
BERWYN (2)
FRANCIS GEORGE'S
Election District
County Maryland

Book # 1453 P 17
Job no. 5225
Dwg. by JEM
Ck. by Case no.
MD PERMITS FILE

Plat Book BDS - 1
Plat 14

File no. CH 6000



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MHC #38777

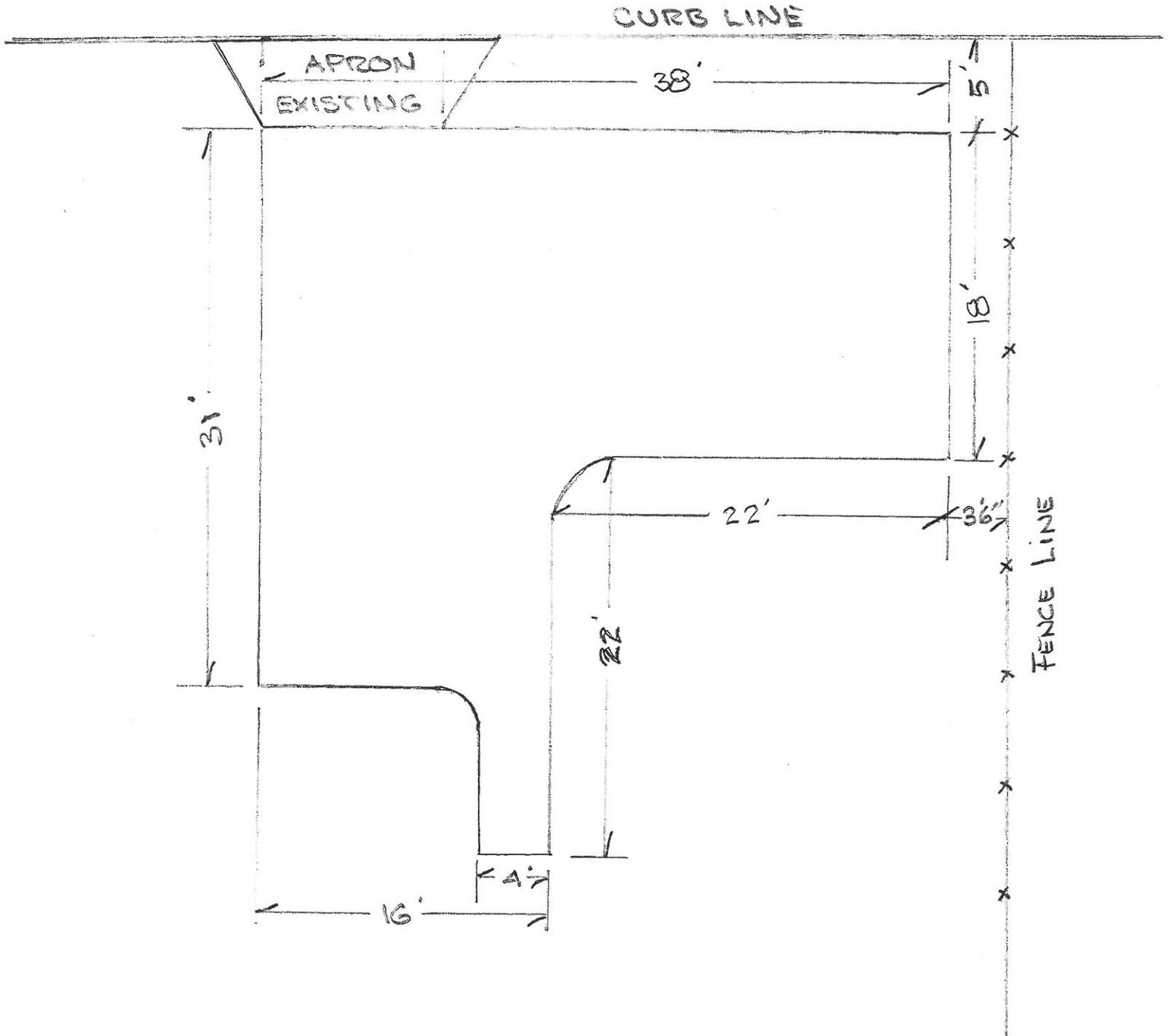
9/21/16

McGRATH RESIDENCE

8405 48th AVE

COLLEGE PARK 20740

REVISED 1/8" = 10"





DEPARTMENT OF PUBLIC SERVICES NOTI
4601-A CALVERT ROAD ❖ COLLEGE PARK, MD 2074
TELEPHONE: 240-487-3570 ❖ FACSIMILE: 301-864
www.collegeparkmd.gov

EXHIBIT 2

POSTED
5/5/16

COUNTY AND CITY BUILDING PERMITS REQUIRED

PROPERTY OWNER/AGENT:

DENNIS R. MCGRATH &
JANET R. MCGRATH
8405 48TH AVE
COLLEGE PARK, MD 20740

DATE OF NOTICE: May 05, 2016

CASE NUMBER: 16-00001094

SUBJECT PROPERTY: 8405 48TH AVE

VIOLATION DATE: MAY 5, 2016 @ 9:00AM

NEXT INSPECTION DATE: MAY 16, 2016
Ten (10) days from the date of this notice.

VIOLATION DESCRIPTION: INSTALLATION OF BRICK DRIVEWAY

The work completed or being performed at the subject property requires both Prince George's County and City of College Park building permits.

CORRECTIVE ACTION REQUIRED: Apply for and obtain required permit(s)

SECTION NO.: 87-3(B)
DESCRIPTION: BLDG PERMIT - VIOLATION

NOTICE PREPARED BY: Charles Reading #230

Handwritten signature: C. Reading 230

DIVISION MANAGER: Jeannie M. Ripley

The cited section requires that the violation be fully-corrected within the time specified or a civil citation may be imposed for non-compliance and also for every instance thereafter until corrected. You have the right to appeal this notice to the City's Advisory Planning Commission, provided that a written appeal is received at the Department of Public Services within ten (10) days from the date of the first notice as indicated in Section 87-19 of the Code.

CITY OF COLLEGE PARK
DEPARTMENT OF PUBLIC SERVICES

Pursuant to the Code
of the City of College Park

8405 48th Ave

It is hereby declared that you will

STOP WORK

FOR THE FOLLOWING VIOLATION

Failure to obtain permits

Date Posted *5/5/16*

By *C. Mearns 230*

For further information call ~~XXXXXXXXXX~~

(240) 487-3570

0107

48th Ave

5/5/16



Real Property Data Search (w2)

Guide to searching the database

Search Result for PRINCE GEORGE'S COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 21 Account Number - 2365443								
Owner Information										
Owner Name:		MCGRATH DENNIS R & JANET R				Use:		RESIDENTIAL		
Mailing Address:		8405 48TH AVE COLLEGE PARK MD 20740- 2403				Principal Residence:		YES		
						Deed Reference:		/05259/ 00596		
Location & Structure Information										
Premises Address:		8405 48TH AVE COLLEGE PARK 20740- 0000				Legal Description:		LOTS 27 28 29 30		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	A-0766
0033	00D1	0000		0290		13		2016		
Special Tax Areas:		Town:				COLLEGE PARK				
		Ad Valorem:								
		Tax Class:				8				
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use	
1928		1,710 SF					20,000 SF		001	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
1 1/2	YES	STANDARD UNIT	FRAME	1 full/ 1 half						
Value Information										
		Base Value		Value As of 01/01/2016		Phase-in Assessments As of 07/01/2015				As of 07/01/2016
Land:		101,600		101,600						
Improvements		121,900		194,200						
Total:		223,500		295,800		223,500				247,600
Preferential Land:		0								0
Transfer Information										
Seller: MCDERMOTT, MICHAEL				Date: 05/14/1980		Price: \$70,000				
Type: ARMS LENGTH IMPROVED				Deed1: /05259/ 00596		Deed2:				
Seller:				Date:		Price:				
Type:				Deed1:		Deed2:				
Seller:				Date:		Price:				
Type:				Deed1:		Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2015		07/01/2016				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: Approved 09/04/2012										

920 0001.00 PAID

CITY LICENSE

CITY OF COLLEGE PARK, MARYLAND

NUMBER.....109B.....



Earl M. Hornum

- Director of Code Enforcement -

THIS CITY LICENSE HAS BEEN ISSUED FOR THE FOLLOWING:

LICENSEE: M.J. McDermott

ADDRESS: 8405 48th Avenue

TYPE OF LICENSE: Building-erect 1 story shell addition 18' x 30' on 4 cinder block piers

FEES: \$1.00

ISSUED: 19 April 1973

EXPIRES: Permit void if construction does not commence within six months. I have received a copy of the College Park Building Code and will comply with the provisions thereof.

[Signature]

- Signature of Licensee -

012

PERMIT APPLICATION

DEPARTMENT OF LICENSES AND PERMITS

PERMIT NUMBER

2194-73-RG

DATE ISSUED

4/10/73

DIVISION OF BUILDING INSPECTION
COUNTY SERVICE BUILDING, HYATTSVILLE, MARYLAND

BUILDING ADDRESS (HOUSE NO., STREET, TOWN OR AREA)

8405 48th Avenue
College Park, Maryland

Application is hereby made for a permit to
(INDICATE ONE) ERECT USE ALTER EXTEND
MOVE the (INDICATE ONE) PERMANENT
TEMPORARY structure described.

LOT NO. 27, 28, 29, 30
BLOCK NO. 13
LIBER FOLIO

DESCRIPTION OF WORK

Erect 1 story shell addition
18' x 30' on 4 cinder block
piers

SUB DIVISION Berwyn
ELECTION DISTRICT

TO BE ACCOMPLISHED BY: Mgy 1973

OWNER'S NAME AND ADDRESS
M.J. McDermott
8405 48th Avenue
College Park, Maryland
PHONE NO. 345-5910

BUILDING (INCLUDING GARAGE)
WIDTH 18 DEPTH 30 HEIGHT 8 STORIES 1

OCCUPANT'S NAME AND ADDRESS
Same
PHONE NO.

FOUNDATION WALLS
TYPE OF MATERIAL block piers
8" 12"

ARCHITECT OR ENGINEER'S NAME AND ADDRESS
PHONE NO.

MAIN STRUCTURE
TYPE OF MATERIAL frame
FOOTINGS
SIZE 12" x 30"

CONTRACTOR'S NAME AND ADDRESS
Armano Const. Co.
4517 Greenwood Road
Beltsville, Maryland
PHONE NO. 937-6709

NUMBER OF ROOMS/UNITS-PARKING 1
BASEMENT YES NO

INTENDED USE OF STRUCTURE (BE SPECIFIC)
Bedroom or Rec. Room

UTILITIES
WATER/WELL# water SEWER/SEPTIC# sewer GAS ELECTRICIT

EST. CONSTRUCTION COST 3,800.00
LICENSE NUMBER 3749
PERMIT FEE \$3.10

I have carefully examined and read the above application and know the same is true and correct, and that, in doing this work, all provisions of Prince George's County Ordinances and State Laws will be complied with, whether herein specified or not.

FOR OFFICE USE ONLY
AGENCY MNCPPC
DATE 4/9/73
APPROVAL (SIGNATURE) ICA
DENIE

WSSC/ELECTRICAL
PUBLIC WORKS / FIRE MARSHAL
HEALTH DEPT.
STRUCTURAL DESIGN
BUILDING INSPECTION

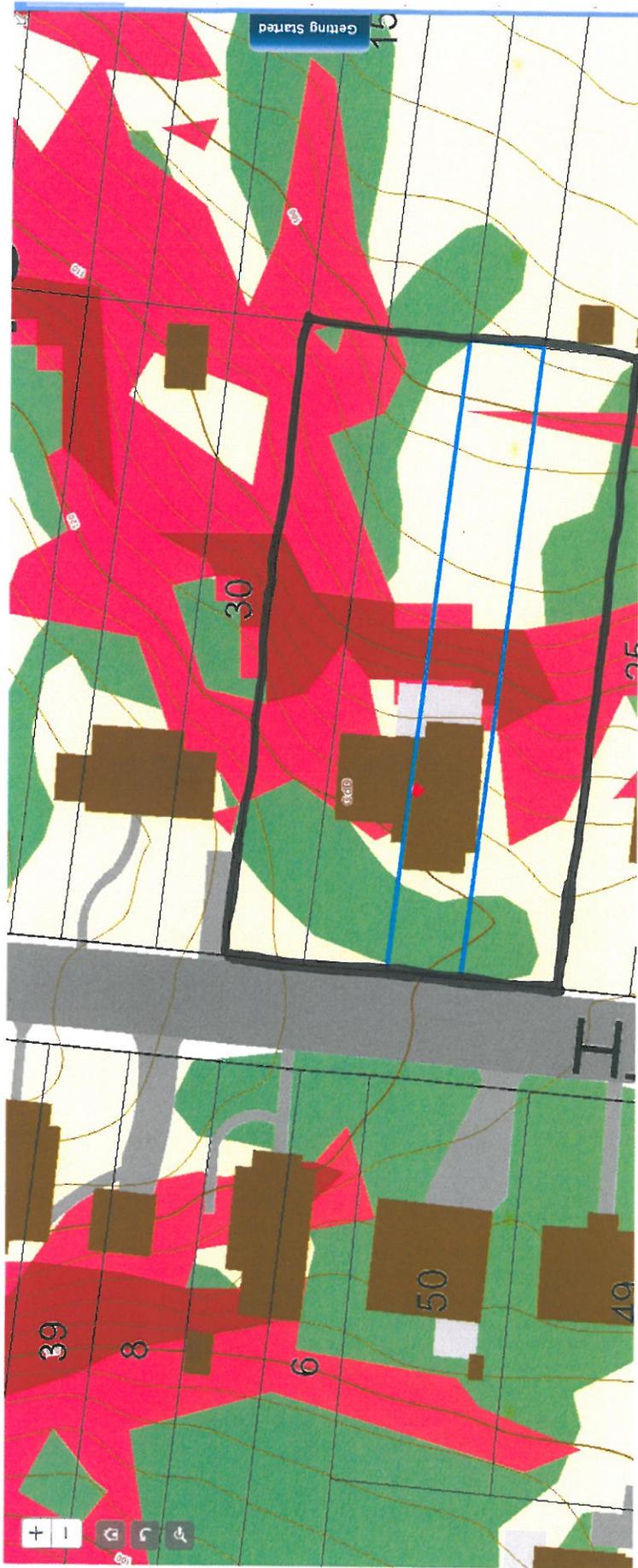
Check payments to PRINCE GEORGE'S COUNTY
CAUTION
To begin construction before a building permit placard has been issued and displayed on the job is a violation of the law.

RECEIPT COPY

APPROVED
DATE



EXHIBIT 5



Pink - Slope between
15% - 25%

Red - Slope greater than
25%

Green - Tree canopy

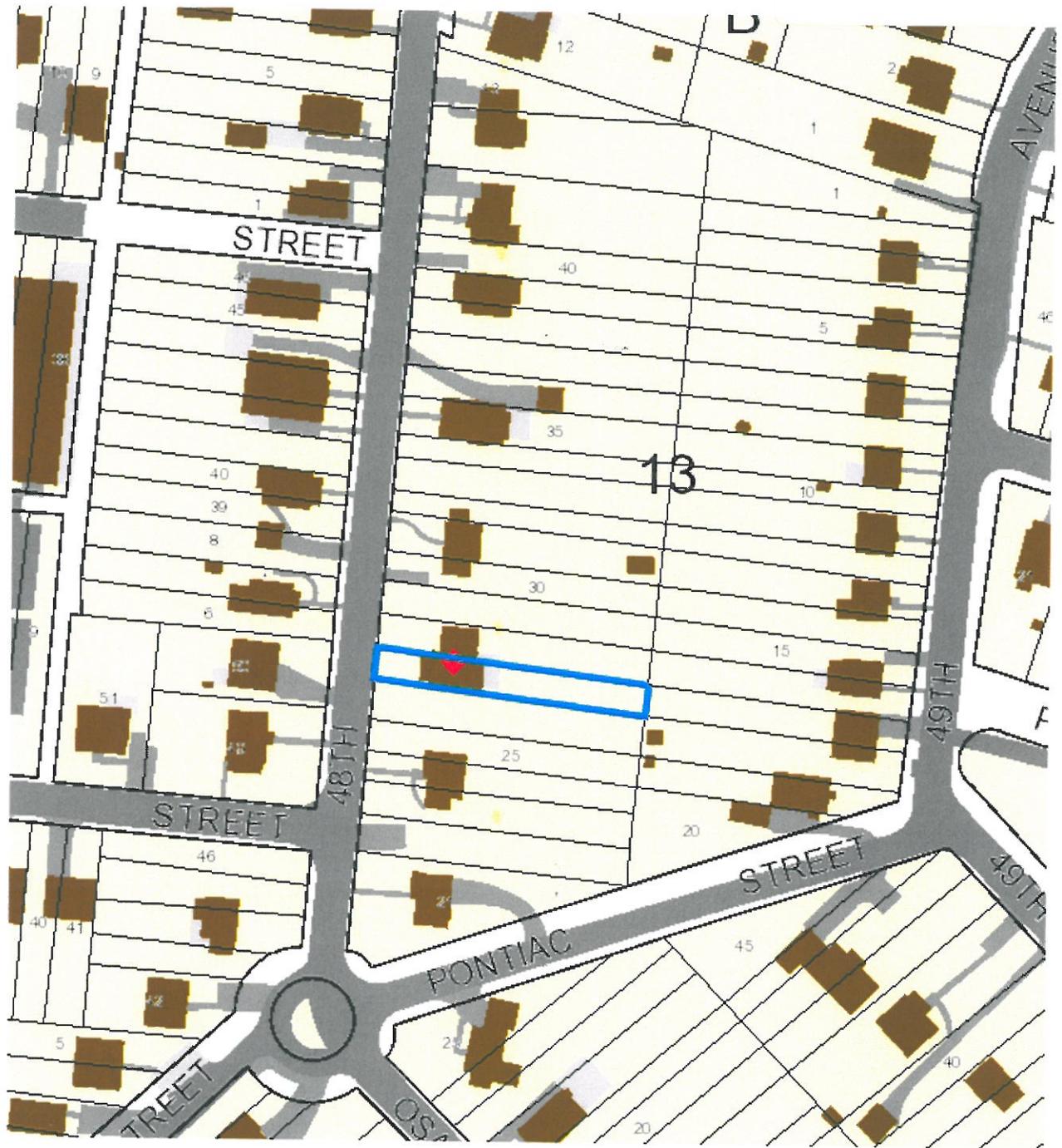


Exhibit 7



A: Subject Property, 8405 48th Avenue



B: Driveway and driveway expansion



C: Mature trees on right side of house



D: Limited on-street parking