

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-31-14 Katherine Dance

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: June 4, 2014.

CERTIFICATE OF SERVICE

This is to certify that on June 24, 2014, 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
DPIE/Building Code Official, Permitting
City of Hyattsville

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

Petitioner: Katherine Dance

Appeal No.: V-31-14

Subject Property: Lot 33, Block 9, Dr. Thos. E. Latimer's Re-Subdivision of Parts of Blocks 9 & 18,
Hyattsville Hills Subdivision, being 4221 Kennedy Street, Hyattsville, Prince George's
County, Maryland

Municipality: City of Hyattsville

Witness: Jason Ryan

Heard: May 21, 2014; Decided: June 4, 2014

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 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to construct a one-car detached garage and driveway extension. A variance of 9.1% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1925, contains 5,344 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 1924. Exhs. 7 and 8.

2. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 8.

3. The property is a long and narrow lot, being 133 feet deep and only 40 feet wide. Exhs. 2 and 4.

4. There is an existing driveway on the property which extends to the rear line of the house on the left side of the property. Exh. 2. Petitioner would like to construct a 14' x 25' one-car detached garage in the rear yard and a 10' x 31' driveway extension to access the garage, but a variance is necessary before obtaining a building permit. Since construction of the garage and driveway extension would cause the allowable amount of net lot coverage on the property to be exceeded, a variance of 9.1% net lot coverage was requested. Exhs. 11 and 12.

5. Petitioner testified that the proposed garage will securely store automobiles and lawn equipment, have a workbench for projects and its location will leave 20 feet of yard behind the garage for gardening.

6. Petitioner explained that she was drawn to Hyattsville because of the aesthetic appeal of the historic district and the exterior of the proposed garage (hardy plank) would match the house, accurately depicting the era in which the house was built. Exhs. 19 and 20.

7. Petitioner further testified that three properties surrounding her lot have garages in their rear yards. Exhs. 9(A) and 5(C).

8. The City of Hyattsville did not comment on the request. Exh. 21.

9. The Historic Preservation Section of the Maryland-National Capital Park and Planning Commission concluded that the subject property is located within the Hyattsville Historic District (no local regulatory impacts), but the subject request would not affect Historic Sites or Historic Resources. Exh. 16.

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 property being subdivided in 1925, the narrowness of the property, the proposed garage providing a place to securely keep lawn equipment and a vehicle, the large amount of net lot area covered by driveway area necessary to access the proposed detached garage in the rear yard, 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 variance of 9.1% net lot coverage in order to construct a 14' x 25' one-car detached garage and 10' x 31' driveway extension on the property located at Lot 33, Block 9, Dr. Thos. E. Latimer's Re-Subdivision of Parts of Blocks 9 & 18, Hyattsville Hills Subdivision, being 4221 Kennedy Street, Hyattsville, 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, and the approved revised elevation plans, Exhibits 20(a) through (d).

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.