

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-91-15 Aldo Mesa and Gleny Pena-Suarez

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: October 14, 2015.

CERTIFICATE OF SERVICE

This is to certify that on October 28, 2015, 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
DPIE/Building Code Official, Permitting

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

Petitioners: Aldo Mesa and Gleny Pena-Suarez

Appeal No.: V-91-15

Subject Property: Lots 31 thru 34, Block H, East Columbia Park Subdivision, being 2114 East Spring Place, Hyattsville, Prince George's County, Maryland

Heard and Decided: October 14, 2015

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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width and 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. Petitioners propose to validate existing conditions and construct a second-floor addition. Variances of 2 feet side yard width and 6.7% net lot coverage are requested.

Evidence Presented

1. The property contains 10,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The dwelling was built in 1936. Exhs. 7 and 8.

2. The property is a building lot consisting of four zoning lots subdivided in 1925. Exhs. 2 and 4.

3. The property is a corner lot, with the house facing the legal front street. The house is located very close to one side of the property and driveway area makes up a large portion of the middle of the property. Exh. 2.

4. Petitioners would like to construct a 24.2' x 30.11' second-floor addition (Exhs. 1 and 2), but variances are needed to obtain a building permit. Since the existing dwelling and deck are located 6 feet from the left side lot line, a variance of 2 feet side yard width was requested. Exh. 12.

5. In addition, since the allowed amount of net lot coverage (30%) is already exceeded by existing development on the property, and the second-floor addition will increase that amount due to an overhang and bay window, a variance of 6.7% net lot coverage was also requested. Exhs. 11 and 12.

6. Petitioners purchased the property in 2005. Exhs. 7 and 8.

7. Petitioner Aldo Mesa testified that he has performed no exterior work at the property and the proposed addition would provide additional living space for a family of five.¹

8. The Subdivision Section of The Maryland-National Capital Park and Planning Commission reviewed the request. The Subdivision Section stated that the record plat reflects a 15-foot building restriction line (BRL) along Chesapeake Street and Prince George's Avenue (East Spring Place) which has

¹ He stated that the exterior of the addition would be siding.

not been reflected on Exhibit 2 (site location drawing), but the existing and proposed structures are not within the 15-foot platted BRL and therefore no impediment exists to the granting of a variance and the issuance of a building permit as it relates to the record plat. Exh. 18.

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 property being subdivided in 1925, the house being built in 1936, the property being a corner lot, the dwelling being located very close to one side of the property, the need for additional living space, certain preexisting conditions requiring validation before obtaining a building permit, 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 variances of 2 feet side yard width and 6.7% net lot coverage in order to validate existing conditions and construct a 24' x 30'/20' x 6' second-floor addition on the property located at Lots 31 thru 34, Block H, East Columbia Park Subdivision, being 2114 East Spring Place, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.

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.