

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-92-15 Julia Mejia

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 30, 2015.

CERTIFICATE OF SERVICE

This is to certify that on October 16, 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: Petitioner
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

Petitioner: Julia Mejia

Appeal No.: V-92-15

Subject Property: Lot 16, Block D, Adelphi Village Subdivision, being 9309 Adelphi Road, Hyattsville,
Prince George's County, Maryland

Witness: Luis Ligorria, friend of Petitioner

Heard and Decided: September 30, 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, 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 rear yard at least 20 feet in depth/width; 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 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioner proposes to validate existing conditions, construct a one-story addition, two-story addition and obtain a building permit for an existing driveway extension. Variances of 10 feet 10 inches rear yard depth/width, 15.6% net lot coverage, and .2 foot side lot line and .7 foot rear lot line setbacks for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1955, contains 6,372 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhs. 3, 5, 8 and 9. The dwelling was built in 1957. Exhs. 8 and 9.

2. The property is the smallest lot in comparison to neighborhood lots. Exh. 5. The angle of the rear property line creates a rear yard that is triangular in shape. Exhs. 3 and 5.

3. Petitioner would like to construct an 8' x 9.7' one-story addition and 13' x 42.3' two-story addition, but variances are needed to obtain a building permit. The one-story addition would be constructed in front of a bump-out on the left side of the house and the two-story addition would be constructed on the rear of the house. Exh. 3. Since the two-story addition would be located 9 feet 2 inches from the rear lot line at the closest point, a variance of 10 feet 10 inches rear yard depth/width was requested. Exh. 13.

4. Variances to validate certain existing conditions, including an extension built on the driveway, are also needed to obtain a building permit. Since the allowed amount of net lot coverage has been exceeded by existing development on the property, and construction of the additions would cause a further overage, a variance of 15.6% net lot coverage was requested. Exhs. 12 and 13.

5. In addition, since an existing shed in the rear corner is located 1.8 feet from the side lot line and 1.3 feet from the rear lot line (Exh. 3), variances of .2 foot side lot line and .7 foot rear lot line setbacks for an accessory building were requested to validate the location of the shed. Exh. 13.

6. Petitioner testified that the shape of her lot is irregular and does not permit too much space to expand her house. She explained that her family is growing and she wants to expand the dining room, kitchen, a couple of bedrooms and a bathroom. Exh. 2.

7. Petitioner testified that she has lived at the property for 22 years. She stated that the house is very small and more living space is needed. She also explained that she would remove a deck on the rear of the house where the two-story addition would be built. She stated that her house has a basement and the addition would allow her to enlarge the basement.

8. Petitioner stated that the shed is immovable.

9. Luis Ligorria testified that the rear yard is odd shaped and the lot is the smallest in the neighborhood.

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 house being built many years ago, the need for additional living space, the angle of the rear lot line, the small size of the lot, 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 variances of 10 feet 10 inches rear yard depth/width, 15.6% net lot coverage, and .2 foot side lot line and .7 foot rear lot line setbacks for an accessory building in order to validate existing conditions, construct an 8' x 9.7' one-story addition, a 13' x 42.3' two-story addition and obtain a building permit for an existing driveway extension on the property located at Lot 16, Block D, Adelphi Village Subdivision, being 9309 Adelphi Road, 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 3, and the approved elevation plans, Exhibits 4(a) through (e).

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.