

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-57-15 Giuseppe Puglisi and Melissa Coup

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 5, 2015.

CERTIFICATE OF SERVICE

This is to certify that on August 14, 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
DPIE/Inspections Division
City of Hyattsville

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

Petitioners: Giuseppe Puglisi and Melissa Coup

Appeal No.: V-57-15

Subject Property: Lot 3, Block 17, Queens Chapel Manor Subdivision, being 3605 Oliver Street, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Alfredo Reza, neighbor

Heard and Decided: August 5, 2015

Board Members Present and Voting: 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 variance 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 and Section 27-442(i)(Table VIII), which prescribes that on corner lots accessory buildings shall be set back 30 feet from the side street line and 10 feet from the rear lot line. Petitioners propose to validate existing conditions and obtain a building permit for an existing one-story addition. Variances of 7 feet rear yard depth/width for the addition and variances of 3.5 feet side street line and 7 feet 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 1947, contains 7,900 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits ("Exhs.") 3, 5 11 and 12. The existing dwelling was built in 1947. Exhs. 11 and 12.

2. The property is located within the Gateway Arts District Development Overlay Zone and the municipal limits of the City of Hyattsville. Exh. 12.

3. The property is an odd-shaped corner lot. The house faces the legal front street. The rear yard is shallower on one side than the other due to the angle of the rear property line. Exh. 3.

4. Petitioners were cited with Building Violation Notice No. 25169-12-1, dated December 30, 2014, by the Department of Permitting, Inspections and Enforcement, Inspections Division, requiring that the required permit(s) be obtained for work done at the property, including but not limited to an addition on the side of the house. Exh. 7.

5. Petitioners would like to obtain a building permit for an existing 11.7' x 35' one-story addition on the rear of the dwelling, but variances are needed to obtain the permit. Since the addition is located 13 feet from the rear lot line, a variance of 7 feet rear yard depth/width was requested. Exh. 15.

6. In addition, variances are needed to validate the shed on the property. Since the shed is only 26.5 feet from the side street line and 3 feet from the rear lot line, variances of 3.5 feet side street line setback and 7 feet rear lot line setback for an accessory building were also requested, respectively. Exh. 15.

7. Petitioner Giuseppe Puglisi testified that although the addition and shed pre-existed their purchase of the property in 2013, since receiving a violation notice from the County on February 4, 2015 (Exh. 7), they have worked diligently with the County, hired licensed structural engineers, architects and contractors to obtain building permits and to ensure that the addition is fully compliant with the applicable International Residential Code. Exhs. 8 and 9. He further explained that all the requirements for final approval of a building permit have been met except obtaining the variances. *Also see* Exh. 22.

8. Mr. Puglisi further testified that by many accounts and historical aerial photographs, the addition has existed since at least the 1970s.

9. He testified that all adjoining property owners expressed support.

10. The City of Hyattsville informed the Board that it had no comment on the request. Exh. 19.

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 unusual shape of the property, the property being a corner lot, the rear yard being shallower on one side due to the angle of the rear property line, 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, by majority vote, Chairperson Bobbie Mack being absent, that variances of 7 feet rear yard depth/width for the addition and variances of 3.5 feet side street line and 7 feet rear lot line setbacks for an accessory building in order to validate existing conditions and obtain a building permit for an existing 11.7' x 35' one-story addition on the property located at Lot 3, Block 17, Queens Chapel Manor Subdivision, being 3605 Oliver Street, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(A) through (F).

BOARD OF ZONING APPEALS

By: (Original Signed)

Albert C. Scott, Vice Chairman

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.