

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-1-15 Derik Siliezar

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: February 25, 2015.

CERTIFICATE OF SERVICE

This is to certify that on April 1, 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
Ernesto Luna, Spanish Interpreter
DPIE/Inspections Division
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: Derik Siliezar

Appeal No.: V-1-15

Subject Property: Lot 1, Block B, Adelphi Hills Subdivision, being 8701 Riggs Road, Hyattsville,
Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Heard and Decided: February 25, 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 on corner lots accessory buildings shall be set back 30 feet from the side street line (along which an abutting lot fronts) and 10 feet from the rear lot line. Petitioner proposes to validate existing conditions and obtain a building permit and complete conversion of an existing attached garage into living space. Variances of 10 feet rear yard depth/width, 2.8% net lot coverage and 9.5 feet rear lot line setback 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 1952, contains 8,937 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, attached garage, carport, driveway and shed. Exhibits ("Exhs.") 4, 8, 9 and 17. The existing dwelling was built in 1955. Exhs. 8 and 9.

2. The property is a corner lot at the intersection of Riggs Road and Saranac Street with the dwelling facing the legal side street (Riggs Road). Driveway access to the property is off Saranac Street. Exhs. 10(A) through (E) and 17.

3. Petitioner was cited with Building Violation Notice No. 42142-2014-0, dated November 6, 2014, by the Department of Permitting, Inspections and Enforcement, requiring that building permit(s) be obtained for work done at the property or the work be removed. Exh. 6.

4. Petitioner would like to obtain a building permit to complete conversion of an attached 18' x 22' garage into living space, but variances are required to validate the following existing conditions. Since the garage, attached to the house via an enclosed porch, is located only 10 feet from the rear lot line and the

allowed amount of net lot coverage is exceeded by existing development on the property, variances of 10 feet rear yard depth/width and 2.8% net lot coverage were requested. Exhs. 12 and 13.

5. In addition, since an existing shed, located next to the garage, is set back only 1.5 feet from the rear lot line, a variance of 9.5 feet rear lot line setback for an accessory building was also requested. Exh. 13.

6. Petitioner testified that the existing garage is used for storage and both the garage and enclosed porch are not heated. He explained that the garage has two doors, one on the front (Exhs. 5(A) and (B), 18(A)) and the other on the rear (Exhs. 5(E) and 18(C)), and the enclosed porch also has front (Exh. 5(A)) and back (Exh. 5(F) doors.

7. Petitioner further testified that the existing carport attached to the garage is open on the sides and that the carport wall opposite the garage wall has a garage door. Exhs. 5(E), (G) and (H).

8. The Subdivision Section of The Maryland-National Capital Park and Planning Commission reviewed the request and determined that the existing covered porch infringes on the recorded 45-foot building restriction line (BRL) from Riggs Road recorded on the record plat, but because it is an existing condition a (recorded) plat to remove the BRL is not required. Exh. 24.

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 a corner lot, the dwelling being built many years ago, the need for additional living space, validation of existing conditions being necessary to obtain a permit to turn an existing attached garage into living space, setback and lot coverage variances being necessary to validate the existing locations of the garage with attached carport and the shed and the amount of net lot area covered by existing structures and off-street parking area, 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 subject property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 10 feet rear yard depth/width, 2.8% net lot coverage and 9.5 foot rear lot line setback for an accessory building in order to validate existing conditions, obtain a building permit and complete conversion of an existing 18' x 22' attached garage into living space on the property located at Lot 1, Block B, Adelphi Hills Subdivision, being 8701 Riggs 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 revised site plan, Exhibit 17, and the approved revised elevation plans, Exhibits 18(A) through (C).

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.