

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-96-14 Pedro Rodriguez & Maria Flores-Batres

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: January 7, 2015.

CERTIFICATE OF SERVICE

This is to certify that on January 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Ernesto Luna, Spanish Language Interpreter

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

Petitioners: Pedro Rodriguez and Maria Flores-Batres

Appeal No.: V-96-14

Subject Property: Lot 2, Block D, Riggs Manor Subdivision, being 2303 Rittenhouse Street, Hyattsville, Prince George's County, Maryland

Spanish Language Interpreter: Ernesto Luna

Heard and Decided: January 7, 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(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 lines. Petitioner proposes to validate existing conditions and construct a second-story addition on a semi-detached single-family dwelling. Variances of 19.5% net lot coverage and 1 foot side and 1.5 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 1954, contains 3,800 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1956. Exhs. 7 and 8.
2. The lot is very narrow, being only 38 feet wide. A portion of the existing driveway consists of two strips of concrete in the side yard. Exhs. 9(A) and 19.
3. Petitioner would like to construct a 14.5' x 24' second-floor addition over an existing brick patio. Since the existing development on the property currently exceeds the amount of lot coverage allowed, construction of the addition would increase coverage on the property. A variance of 19.5% net lot coverage was requested.¹ Exhs. 12 and 13.
4. An existing shed is located .5 foot from the rear lot line. A variance of 1.5 feet rear lot line setback for an accessory building was requested. Exh. 13.
5. Petitioner Pedro Rodriguez testified that he put up the 9' x 9' shed about 10 years ago and both the patio and driveway preexisted his purchase of the property. He stated that more living space is needed and he has now proposed a second floor addition extending over the patio (which would remain open). Exh. 3.

¹ Revision of the site plan slightly reduced the variance request to 19.3% net lot coverage. Exhs. 19 and 20.

6. He further testified that there is a ground floor addition on the rear of the adjoining half of the duplex. Exhs. 5(C) through (E). He stated that there are four or five houses on his street that have ground floor additions – including the house next door and one across the street. Exh. 5(F).

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 narrowness of the property, the need for additional living space, the proposed addition extending over the existing patio, 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 19.3% net lot coverage and 1 foot side and 1.5 feet rear lot line setbacks for an accessory building in order to validate existing conditions and construct a 14.5' x 24' second-story addition on a semi-detached single-family dwelling on the property located at Lot 2, Block D, Riggs Manor Subdivision, being 2303 Rittenhouse Street, 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 19, 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.