

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-41-14 David Hiles & Jennie Reinhardt

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: July 23, 2014.

CERTIFICATE OF SERVICE

This is to certify that on August 1, 2014, 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
City of Hyattsville
Other Interested Parties

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

Petitioners: David Hiles and Jennie Reinhardt

Appeal No.: V-41-14

Subject Property: Lot 39 and Part of Lots 38 & 40, 1st Addition to Wine and Johnson's Subdivision, being
4105 Gallatin Street, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Richard Schroeher, contractor

Heard and Decided: July 23, 2014

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 a variance 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 a variance from Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 5 feet from an alley line. Petitioner proposes to construct a detached carport. A variance of 3.5 feet setback from an alley for an accessory building is requested.

Evidence Presented

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

1. The property contains 12,600 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 16 and 17. The existing dwelling was built in 1891. Exhs. 16 and 17.

2. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 17.

3. The property is made up of one full lot and parts of two lots that were subdivided in 1882. Exh. 4.

The property as it exists today was created by deed in 1919. Exh. 5.

4. Petitioners would like to construct a detached carport behind the existing dwelling, but a variance is required to obtain a building permit. Since the carport would be located 1.5 feet from the alley line at the rear of the property, a variance of 3.5 feet setback from an alley for an accessory building was requested. Exh. 25.

5. Petitioner David Hiles testified that there is no shade on an existing parking pad in the rear of the property where it backs up to an alley and he is proposing to build a carport over the parking pad. He stated that if the carport had to meet the required setback from the alley line, it would be too far into the subject property for the carport to cover vehicles on the parking pad. He explained that his property line does not line up with alley line, the carport would be 5 feet from the actual edge of the alley pavement (Exh. 2), and offered that as part of its review of his request, the City of Hyattsville ran a trash truck through the alley to ensure there was enough clearance.

6. Mr. Hiles further testified that the carport would be open on all sides and have guttering to direct water runoff to a grassy part of his side yard where there are some shrubs. He explained that the carport will be a metal structure with a roof made up of solar panels. He stated that the carport would shade his vehicles, the proposed carport location is the most suitable place to put solar panels and he will save energy (costs) over time.

7. The City of Hyattsville supported the request. Exh. 26.

8. The Historic Preservation Section of The Maryland-National Capital Park and Planning Commission commented that the subject property is located within the Hyattsville Historic District, with no local regulatory impacts, and adjacent to Historic Site 68-010-035 (Lown House). Exh. 16.

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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property backing up to an alley, the property line not lining up with the alley's pavement line, there being an existing parking pad which is not shaded over which Petitioner proposes to construct the carport, construction of the carport with the required setback not allowing the carport to cover vehicles parked on the parking pad, the roof of the carport to be made up of solar panels to save energy, 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 a variance of 3.5 feet setback from an alley for an accessory building in order to construct a 22'4" x 24'1" detached carport on the property located at Lot 39 and Part of Lots 38 & 40, 1st Addition to Wine and Johnson's Subdivision, being 4105 Gallatin Street, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance 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.