

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-78-15 Manuel Colindres

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 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: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
Lewisdale Citizens' Association

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

Petitioner: Manuel Colindres

Appeal No.: V-78-15

Subject Property: Lot 12, Block R, University Gardens Subdivision, being 2423 Hannon Street, Hyattsville,  
Prince George's County, Maryland

Heard: August 19, 2015; September 9, 2015

Decided: September 30, 2015

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
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 front yard at least 25 feet in depth, and 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. Petitioner proposes to construct a second-level covered front porch, a second-floor addition and a covered back porch. Variances of 5.45 feet front yard depth and .4% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1947, contains 6,600 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1949. Exhs. 7 and 8.

2. The property is regular in its shape and size and has no exceptional topography or other conditions peculiar to the property. Exhs. 2, 4 and 9(A) through (E).

3. Petitioner would like to construct a 6.10' x 12.20' covered front porch above the existing open front porch, a 28.05' x 36' second-floor addition on the existing dwelling and a 15' x 26.02' covered back porch (Exh. 2), but variances are needed to obtain a building permit. Since the existing open front porch is located 19.55 feet from the front street line and the proposed second-level porch would have the same encroachment, a variance of 5.45 feet front yard depth was requested. Exh. 12.

4. In addition, since construction of the covered back porch would cause the allowed amount of net lot coverage (30%) to be exceeded, a variance of .4% net lot coverage was also requested. Exhs. 11 and 12.

5. Petitioner testified that his brother currently lives at the property. He explained that he would like to construct a second story over the existing dwelling and add a two-level covered porch on the front of the house that would be accessible from the master bedroom upstairs. He is also proposing to add a covered porch on the rear of the house.

6. Lewisdale Citizens' Association opposed the request. Exhs. 16 and 22.

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 do not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioner's lot has no exceptional topography or other conditions peculiar to the property. The Board further finds that the lot is regular in its size and shape and no evidence of any extraordinary situation or uniqueness of the lot was presented.
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, by majority vote, Vice Chairman Albert Scott abstaining, that variances of 5.45 feet front yard depth and .4% net lot coverage in order to construct a 6.10' x 12.20' covered front porch above the existing open front porch, a 28.05' x 36' second-floor addition and a 15' x 26.02' covered back porch on the property located at Lot 12, Block R, University Gardens Subdivision, being 2423 Hannon Street, Hyattsville, Prince George's County, Maryland, be and are hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.