

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-34-15 Valencia and Bruce Boyd

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 19, 2015.

CERTIFICATE OF SERVICE

This is to certify that on September 8, 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
City of Hyattsville

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

Petitioners: Valencia and Bruce Boyd

Appeal No.: V-34-15

Subject Property: Lot 9, Block E, Lanhardt Subdivision, being 5016 36th Avenue, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Heard: May 13, 2015; Decided: August 19, 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, Petitioners request 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; 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 lot line. Petitioners propose to validate existing conditions and construct a one-story addition on a semi-detached single-family dwelling. Variances of 5 feet front yard depth for the dwelling, 13.5% net lot coverage and 1 foot side lot line setback for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1954, contains 3,698 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a two-story semi-detached single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1955. Exhs. 8 and 9.

2. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 9.

3. Petitioners would like to construct a 16' x 34' one-story addition on the left side of the existing semi-detached dwelling, but variances are needed to obtain a building permit. Since construction of the proposed addition would cause the allowed amount of net lot coverage to be exceeded, a variance of 13.5% net lot coverage was requested.¹ Exhs. 12 and 13.

4. Existing conditions on the property must also be validated to obtain the building permit. Since the covered front porch is located only 20 feet from the front street line and an existing shed is located only 1 foot from the side lot line, variances of 5 feet front yard depth for the dwelling and 1 foot side lot line setback for an accessory building were also requested.² Exh. 13.

¹ Petitioners revised the site plan to indicate removal of the patio area and shed behind the house. A smaller shed replaced the previous shed and the lot coverage variance needed is now reduced to 12.4%. Exhs. 22 and 24.

² The smaller shed on the revised site plan requires a variance of .5 foot side lot line setback. Exh. 22.

5. Petitioner Valencia Boyd testified that they would like to build a one-story addition on the side of their house which would make possible one-level living and contain a bedroom, bathroom, sitting area and space for the washer and dryer.

6. She further testified that there are additions on other semi-detached dwellings in the neighborhood (Exh. 10(A)), including one similar to the proposed addition. Exh. 6.

7. The proposed addition will have the same depth as and continue the front and rear lines of the existing house. Exh. 22. The proposed addition will include a new rear exit from the house. Exh. 3.

8. Other nearby houses have front porches similar in size to Petitioners' which are less than 25 feet from the front street line. Exhs. 10(B) through (D).

9. The City of Hyattsville ("City") supported the request.³

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 size of the property, validation of the existing covered front porch being necessary to obtain a building permit, other nearby homes having front porches similar in size and less than 25 feet from the front street line, Petitioners removing a patio and replacing a larger shed with a smaller one, the proposed addition providing one-level living needed for Petitioners, the addition providing an additional safety exit from the house, 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 5 feet front yard depth for the dwelling, 12.4% net lot coverage and .5 foot side lot line setback for an accessory building in order to validate existing conditions and construct a 16' x 34' one-story addition on a semi-detached single-family dwelling on the property located at Lot 9, Block E, Lanhardt Subdivision, being 5016 36th Avenue, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of

³ The City also has its own condition that the hardscaping (patio area) and large accessory structure (shed) in the rear yard be removed to provide more pervious surface/green space. Exh. 20. When the site plan was revised, the City submitted no opposition to the smaller accessory structure placed on the property. Exh. 23.

the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 22, 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.