

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-47-15 Cynthia and Edward Hendel IV

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: June 10, 2015.

CERTIFICATE OF SERVICE

This is to certify that on July 6, 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

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

Petitioners: Cynthia and Edward Hendel IV

Appeal No.: V-47-15

Subject Property: Lot 22, Block A, Knollwood Subdivision, being 10431 Edgefield Drive, Hyattsville,
Prince George's County, Maryland

Witness: Michele Pintur, Realm Building & Restoration, LLC

Heard and Decided: June 10, 2015

Board Members Present and Voting: 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 corner lot shall have a side yard along the side street at least 25 feet in depth and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line. Petitioners propose to validate existing conditions and construct a one-story addition with crawl space. Variances of 11.1 feet side street yard depth for the dwelling and 4.5 feet front street 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 1951, contains 10,121 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway, shed and playhouse. Exhibits ("Exhs.") 2, 4, 9 and 10. The existing single-family dwelling was built in 1950. Exhs. 9 and 10.
2. The property is a corner lot with the dwelling facing the legal front street (Edgefield Drive) and is located where the legal side street (Oakhill Court) enters a cul-de-sac. An existing deck on the rear of the dwelling extends to within 14 feet of the legal side street. Exhs. 2 and 4.
3. The property slopes upward from the front street to the rear and downward from the existing deck toward the side street. Exhs. 5(A) through (E).
4. Petitioners would like to construct a 12.1' x 15.5' one-story wood frame addition, with crawl space, in the side yard next to the legal side street, Oakhill Court, but variances are needed to obtain a building permit. Since the proposed addition, which would replace part of an existing deck (Exhs. 11(B), (D) and (F)), would be located only 13.9 feet from the side street line, a variance of 11.1 feet side street yard depth was requested. Exh.13.
5. An existing condition on the property must also be validated to obtain a building permit. Since a shed, located behind the house, is only 55.5 feet from the front street line, a variance of 4.5 feet front street line setback for an accessory building was requested to validate the location of the shed. Exh. 13.
6. Petitioner Cynthia Hendel testified that they have a large family, but a small country kitchen and no dining room.

7. Michele Pintur, Petitioners' designer/contractor, testified that because of the topography in the rear yard and an existing drainage problem, locating an addition at the rear would be untenable because it would require digging into the hillside. Exhs. 5(A) through (D). She further explained that with the proposed construction the door on the side of the house would no longer exist and the new sunroom would be accessed from the existing kitchen space.

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 with the dwelling facing the legal front street, the sloping topography of the lot, the property being located where the legal side street enters a cul-de-sac, the existing deck on the rear of the dwelling extending to within 14 feet of the legal side street, the proposed addition replacing a portion of the deck and extending no closer to the street than the current deck, the topography and drainage problem at the rear of the house precluding construction, the need for additional living space, 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(s) of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Mack absent, that variances of 11.1 feet side street yard depth for the dwelling and 4.5 feet front street line setback for an accessory building in order to validate existing conditions and construct a 12.1' x 15.5' one-story addition with crawl space on the property located at Lot 22, Block A, Knollwood Subdivision, being 10431 Edgefield Drive, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances 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)
Albert C. Scott, Vice Chairman

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.