

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-21-15 Gerardo Argueta

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: April 29, 2015.

CERTIFICATE OF SERVICE

This is to certify that on June 4, 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
DPIE/Inspections Division
City of Hyattsville
Miguel Loreda, Language Interpreter

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

Petitioner: Gerardo Argueta

Appeal No.: V-21-15

Subject Property: Lot 7, Block B, Queens Chapel Manor Subdivision, being 5612 29th Avenue, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Spanish Language Interpreter: Miguel Loredó

Heard and Decided: April 29, 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(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 validate existing conditions and obtain a building permit for new driveway area. Variances of 5 feet front yard depth and 7.5% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1940, contains 5,250 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 3, 7 and 8. The existing dwelling was built in 1940. Exhs. 7 and 8.
2. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 8.
3. Petitioner was cited with Building Violation Notice 2883-15-00, dated December 15, 2014, by the Department of Permitting, Inspections and Enforcement, Inspections Division, requiring that Petitioner obtain the required permit(s) for work done, including but not limited to installing a driveway, or remove the work and return to the original condition. Exh. 5.
4. Petitioner would like to obtain a building permit for a new 10' x 16' driveway extension, but variances to validate existing conditions are needed to obtain the permit. Since the existing covered front porch is located only 20 feet from the front street line, a variance of 5 feet front yard depth was requested. Exh. 12. In addition, since the allowed amount of net lot coverage was already exceeded and construction of the new driveway area caused further overage, a variance of 7.5% net lot coverage was also requested. Exhs. 11 and 12.
5. Petitioner testified that he has lived at the property for 10 years and that the driveway extension is the only improvement he has made to the property.

6. The City of Hyattsville stated that it had no comment on the request. Exh. 17.

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 subdivided and house being built in 1940, the dimensions of the property, the existing front porch not meeting the current street setback requirement, validation of existing conditions being necessary to obtain a permit for a new driveway extension, 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 of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 5 feet front yard depth and 7.5% net lot coverage in order to validate existing conditions and obtain a building permit for new 10' x 16' driveway on the property located at Lot 7, Block B, Queens Chapel Manor Subdivision, being 5612 29th Avenue, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2.

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.