

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-17-15 Ross Gateretse

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: March 25, 2015.

CERTIFICATE OF SERVICE

This is to certify that on April 17, 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
City of Hyattsville

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

Petitioner: Ross Gateretse

Appeal No.: V-17-15

Subject Property: Lot 1, Block E, Queens Chapel Manor Subdivision, being 2900 Lancer Drive, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Heard and Decided: March 25, 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 corner lot shall have a front yard at least 25 feet in depth, a side yard along the side street at least 25 feet in depth, a side yard at least 8 feet in width and a rear yard at least 20 feet in depth/width. Petitioner proposes to validate existing conditions and construct a one-story addition. Variances of 10.85 feet front yard depth, 9.84 feet side street yard depth, 2.79 feet side yard width and 2.32 feet rear yard depth/width are requested.

Evidence Presented

1. The property was subdivided in 1940, contains 7,114 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The property was improved with a single-family dwelling in 1943. Exhs. 8 and 9.
2. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 9.
3. The property is a corner lot with the dwelling facing the corner. The yard behind the house is triangular in shape. Exh. 2.
4. Petitioner would like to construct a 15' x 24' one-story addition on the right side of the existing dwelling, but variances are needed to obtain a building permit. Since the addition would be located 14.15 feet from the front street line and 5.21 feet from the side lot line, variances of 10.85 feet front yard depth and 2.79 feet side yard width were requested. Exh. 11.
5. In addition, variances are needed to validate certain existing conditions. The front yard setback variance requested for the addition would also validate the existing covered front porch which is located 22.34 from the front street line. Since an enclosed porch on the left side of the dwelling is located 15.16 feet from the side street line and 17.68 feet from the rear lot line at the closest points, variances of 9.84 feet side street yard depth and 2.32 feet rear yard depth/width were also requested to validate the location of the enclosed porch. Exh. 11.
6. Petitioner testified that he would like to add a bedroom because he has a large family.
7. Petitioner explained that the neighbor's driveway is located on the side where he is proposing the addition. Exhs. 6(A) through (C), 10(B), (D) and (E).

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, the house being built in 1943, the existing house facing the corner, the yard behind the house being triangular in shape, the need for additional living space, the setbacks of the existing enclosed porch on the left side of the house and the covered front porch needing validation in order to obtain a building permit, 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 10.85 feet front yard depth, 9.84 feet side street yard depth, 2.79 feet side yard width and 2.32 feet rear yard depth/width in order to validate existing conditions and construct a 15' x 24' one-story addition on the property located at Lot 1, Block E, Queens Chapel Manor Subdivision, being 2900 Lancer 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 plans, Exhibits 3(a) through (c).

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.