

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-63-14 Manfredis Henriquez

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: October 8, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on November 3, 2014 , 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: Manfredis Henriquez

Appeal No.: V-63-14

Subject Property: Lot 21, Block Q, University Gardens Subdivision, being 2412 Griffen Street, Hyattsville,
Prince George's County, Maryland

Heard: September 17, 2014; Decided: October 8, 2014

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 a variance 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 a variance from 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 detached garage and driveway extension. A variance of 23.3% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1947, contains 6,050 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, 7 and 8. The existing single-family dwelling was built in 1949. Exhs. 7 and 8.
2. The property is a narrow lot, being only 55 feet wide. Exh. 2.
3. Petitioner would like to construct a 20' x 32' detached garage and driveway extension, but a variance is needed before obtaining a building permit. Since construction of the garage and driveway area would cause the allowed amount of net lot coverage to be exceeded, a variance of 23.3% net lot coverage was requested. Exhs. 11 and 12.¹
4. Petitioner testified that he has lived at the property for almost 12 years. He stated that he would like to build the garage to secure his classic car and store items from his shed which has been broken into many times. He testified that he spoke with neighbors and they were not opposed to the proposed construction.
5. Petitioner further testified that a house across the street and two houses down from his property has a garage in the rear yard. Exh. 9(A).
6. Lewisdale Citizens Association withdrew opposition to the request. Exh. 20.

¹ An existing shed in the rear yard is being removed. Exh. 2.

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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1947, the house being built many years ago, the narrowness of the property, an existing shed being removed from the property, the need for a secure place to store items and park a classic car, 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 a variance of 23.3% net lot coverage in order to construct a 20' x 32' detached garage and driveway extension on the property located at Lot 21, Block Q, University Gardens Subdivision, being 2412 Griffen Street, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) and (b).

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.