



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

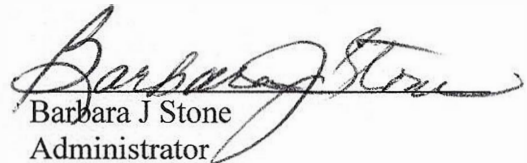
OF BOARD OF APPEALS

RE: Case No. V-8-23 Edward Meidenbauer and Carol L. Swol

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 22, 2023.

CERTIFICATE OF SERVICE

This is to certify that on May 17, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


Barbara J Stone
Administrator

cc: Petitioner
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: Edward Meidenbauer and Carol L. Swol

Appeal No.: V-8-23

Subject Property: Part of Lot 3, Northwest Hyattsville Subdivision, being 3814 Nicholson Street,
Hyattsville, Prince George's County, Maryland

Municipality: Hyattsville

Witness: Nichola Hain, Architect and Neighbor

Heard and Decided: March 22, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Present
Anastasia T. Johnson, Member - Absent
Renee Alston, Member - Present
Carl Isler, Member - Present
Teia Hill, Member - Present

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 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e)(1) which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line, 52 feet measured along the front street line and not more than 35% of the net lot area shall be covered by buildings and off-street parking. (. Section 27-4202(e)(2) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-4202(e)(3) prescribes that each lot shall have a side yard at least 8 feet in width. Petitioners propose to validate existing conditions (net lot area, lot width, lot frontage, front yard, and side yard) and obtain a building permit for the construction of a proposed one-story addition and steps for basement access. Variances of 1,888 square feet net lot area, 21.18 feet front building line width, 8.18 feet front street line width, 3.5% net lot coverage, 3 feet front yard depth and 3.3 left side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1913, contains 4,612 square feet, is zoned RSF-65 (Residential, Single-Family - 65), and is improved with a single-family dwelling, driveway, front covered porch, and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (I).
2. The subject lot is rectangular in shape.¹ Exh 2 and 4.
3. Petitioners propose to validate existing conditions (net lot area, lot width, lot frontage, front yard depth, and side yard width) and obtain a building permit for the construction of a proposed one-story addition and steps for basement access. Variances of 1,888 square feet net lot area, 21.18 feet front building line width, 8.18 feet front street line width, 3.5% net lot coverage, 3 feet front yard depth and 3.3 left side yard width are requested to validate the aforementioned deficiencies of the property based on current zoning

¹ Due to the lot being subdivided in 1913 (and being subdivided thereafter with title search ending in 1970), it is unclear how the lot was further reduced to its small size after the original subdivision.

standards. The need for a variance of 3.5% net lot coverage impacted by the new addition is also requested. Exhs. 2, 3, 4 and 5 (A) thru (F).

4. Petitioner Edward Meidenbauer testified that they are proposing an addition to the back of the house. Exhs. 2 and 3.

5. Ms. Hain, an architect, testified that the reason for the proposal is that Ms. Swol's elderly father will be moving into the residence. Therefore, living space was needed to accommodate his mobility and accessibility to a bedroom and bathroom. With that, Ms. Swol has lost her first-floor office space and the only reasonable relocation area for her office would be with construction of the proposed one-story addition on the back of the house. Exhs. 2 and 3.

6. She stated that the lot is very small, being only 4,612 square feet, and the dwelling itself is only 837 square feet. Therefore, all of the requested variances are necessary. Exh. 2.

7. Ms. Swol informed the Board that Petitioners have resided in the residence for approximately 10 years.²

8. Nichola Hain, also a neighbor, stated that she has resided in the community for 40 years and supports the proposal.

9. The City of Hyattsville Council voted to support the one-story addition proposal. Exh. 21

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property;
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

² Petitioners purchased the subject property in July of 2012. Exh. 6.

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 27-3613(d), more specifically:

Due to the preexisting small size of both the lot and the dwelling, the need to create a bedroom and bathroom in existing living area for an elderly parent with mobility concerns and the need to therefore create an addition to be used as an office for the Petitioner 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 1,888 square feet net lot area, 21.18 feet front building line width, 8.18 feet front street line width, 3.5% net lot coverage, 3 feet front yard depth and 3.3 left side yard width in order to validate existing conditions (net lot area, lot width, lot frontage, front yard, and side yard) and obtain a building permit for the construction of a proposed one-story addition and steps for basement access on the property located at 3814 Nicholson Street, 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 approved elevation plan Exhibit 3.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, ChairpersonNOTICE

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 27-3613(c)(10)(B) of the Prince George's County Code states:

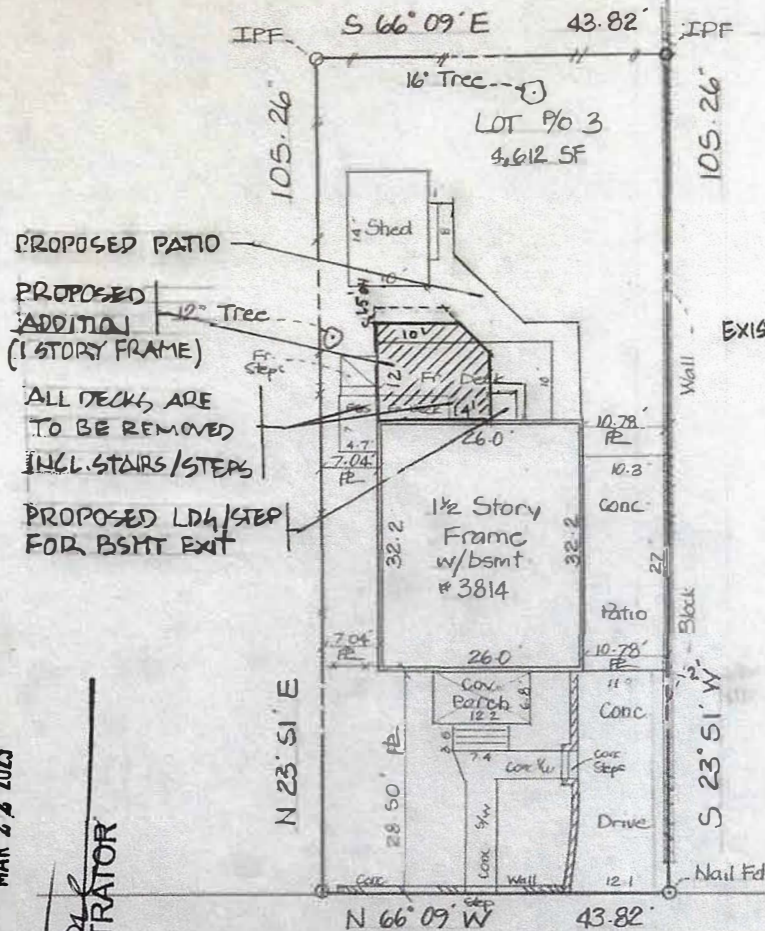
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

BOARD OF APPEALS

Note:

1. This survey has been prepared without the benefit of a title report and is subject to any facts that may be disclosed by a full and accurate title search.

P/O LOT 3



LOT 4
ZONING CLASS: N, R65
LOT SIZE: 4,612 SF
35% ALLOW
LOT COVER: 1,614 SF

EXIST HOUSE 837.20 SF
FRONT PORCH 82.96 SF
SHED 140.00 SF
TOTAL EXIST 1,060.16 SF

DRIVEWAY 602.60 SF

PROPOSED ADDITION 160 SF

TOTAL 1,822.76 SF

TOTAL % LOT COV 39.52 SF

OVER 4.5%
(208.66 SF)

MAR 23 2023

APPROVED

ADMINISTRATOR

NICHOLSON STREET
(40' R/W)

SURVEYOR'S CERTIFICATE

I hereby certify that this lot survey is based on a field survey performed by myself or directly under my supervision. Information hereon was obtained from County Land Records and to the best of my knowledge and belief is correct, that property corners have been found and/or set as indicated.

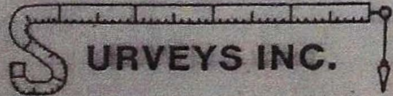
11-14-2022
Date

Gregory C. Benefiel
Registered Professional
Land Surveyor, No. 10994



Drawn By: Tom O
Checked By: PK
Date: 11-14-2022
Scale: 1" = 20'
Job No. 1269-22
Case No. Nicole H

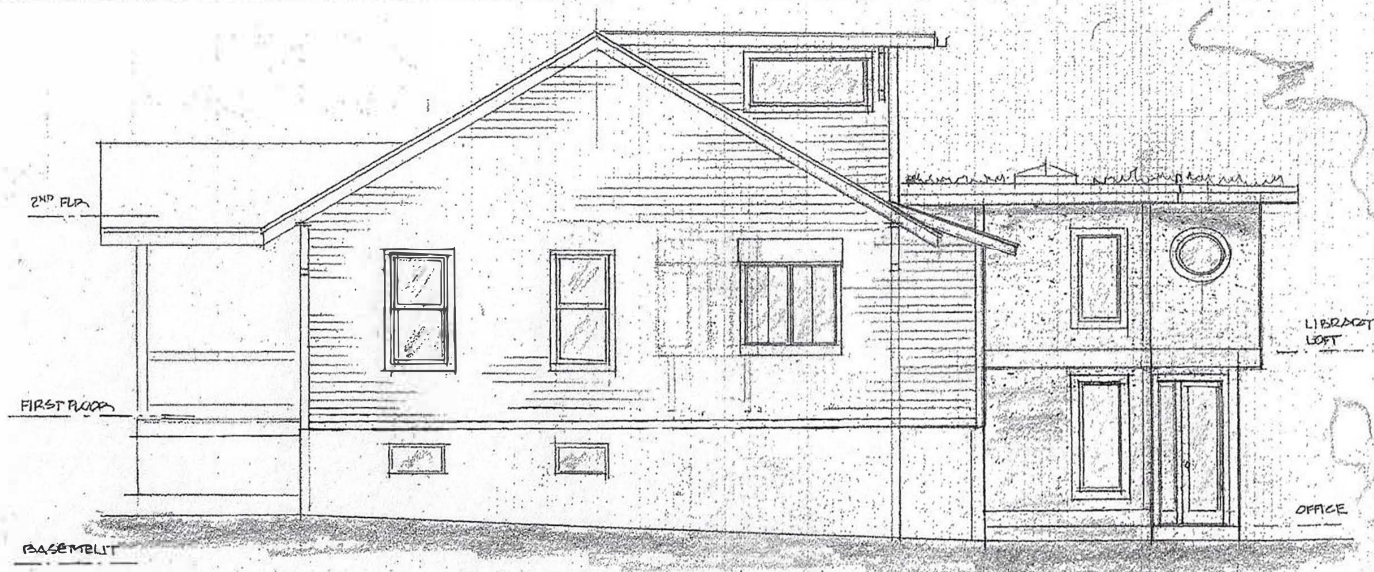
EXH. # 2
V-8-23



LAND DEVELOPMENT - SURVEYING - PLANNING
ENGINEERING - PERMITS
350 MAIN STREET
LAUREL, MARYLAND 20707
301-776-0561

HOUSE PLAT & BOUNDARY
3814 Nicholson Street
Lot Part of 3, Block, Sec./plat =
NORTHWEST HYATTSVILLE

16 TH Election District
Prince Georges County, Maryland
Plat Book RNR-2, Plat 22 Drawing
Liber 33752, Folio 089 S-5869



SOUTH EAST ELEVATION

BOARD OF APPEALS

APPROVED **MAR 22 2023**

[Signature]
ADMINISTRATOR



NORTHEAST ELEVATION

EXH. # 3
 V-8-23

NICOLA HART ARCHITECT
 3905 NICHOLS STREET
 HYATTSVILLE, MD 20782
 301.927.4937
 NICOLAHARTARCH.COM

SOUTHEAST ELEVATION
NORTHEAST ELEVATION
PRELIMINARY

MEIDENBAUER / SNOL
ELDERLY SUITE & ADDITION
 3814 NICHOLS STREET
 HYATTSVILLE, MARYLAND

FEB 2, 2023
 1/8" = 1'-0"

A5
 5 OF 6