



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-84-23 Suco Wash, LLC

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: February 21, 2024.

CERTIFICATE OF SERVICE

This is to certify that on May 10, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature of Barbara J. Stone is shown above a horizontal line.

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

Petitioner: Suco Wash LLC

Appeal No.: V-84-23

Subject Property: Lot 58, Burgess Subdivision of Rogers & Phillips Addition to Hyattsville Subdivision, 4614 Burlington Road, Hyattsville, Prince George's County, Maryland.

Municipality: Hyattsville

Counsel for Petitioner: Traci Sudder, Scudder Law Office

Witnesses: Terry Myers, Scudder Law Office

Marico Mateo, Co-owner

Heard and Decided: February 21, 2024

Board Members Present and Voting: Carl Isler, Vice Chairman

Renee Alston, Member

Teia Hill, Member

Board Member Absent: Bobbie Mack, Chair

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 the prior code being Section 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-442(b)(Table I), which prescribes that each lot shall have a minimum net lot area of 5,000 square feet. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 50 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-442(c)(Table II), prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. The petitioner proposes to validate existing conditions (net lot area, front building line, and side width yard) and construct a two-story dwelling with a basement, a two-car garage, and a cover deck. Variances of 200 square feet net lot area, 10 feet front building line width, 1.3 feet left side yard width, 1.3 feet right side yard width, and 15.9% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1907, contains 4,800 square feet, is zoned R-55 Zone (One-Family Detached Residential), and is a vacant lot. Exhibits (Exhs.) 3, 5, 9, and 11 (A) thru (F).
2. The subject lot is rectangular in shape. Exhs. 3, 5, 9, and 11 (A) thru (F).
3. Petitioner would like to construct a 2-story single-family home with a basement, an attached 2-car garage, and a covered deck. Because the property was subdivided in 1907, and does not meet current Prince George's County Zoning Ordinance standards, variances of 200 square feet net lot area, and 10 feet front building line width are requested dwelling, being limited in size is encroaching the left and right-side yard by 1.3 feet on each side and is over lot coverage 15.9%. Therefore, variances of 1.3 feet left side yard, 1.3 feet right side yard, and 15% net lot coverage are requested. Exh. 3, 4, and 6 (A) thru (C).
4. Traci Scudder, Esq. explained that her client proposes to validate existing conditions and construct a two-story dwelling with a basement, two-car garage, deck, and driveway in front of the house. The Board

of Appeals previously approved this request on October 23, 2019, as V-82-19. However, due to the COVID-19 pandemic, the global supply chain shortage, and the state of the economy since that approval, the validity period expired. Exhs. 2 and 7.

5. The City of Hyattsville has approved the variance request. Exh. 19.

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 lot dimensions being created in 1907 prior to the implementation of the Prince George's County Zoning Ordinance requirements, the lot being long and narrow, and the character of the neighborhood, renewing the original approval, 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 for the property owner due to the various encroachments contained on the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms Mack absent, that variances of 200 square feet net lot area, 10 feet front building line width, 1.3 feet left side yard width, 1.3 feet right side yard width, 15.9% net lot coverage in order to validate existing conditions (net lot area, front building line, and side width yard) and construct a two-story dwelling with a basement, a two-car garage, and covered deck on the property located at 4614 Burlington Road, 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 3, and approved elevation plans, Exhibit 4.

BOARD OF ZONING APPEALS

By: William C. Isler, II
William C. Isler, II (May 8, 2024 15:04 EDT)
William Carl Isler, Vice Chair

Approved for Legal Sufficiency

By: Ellis Watson
Ellis Watson (May 8, 2024 15:49 EDT)
Ellis Watson, Esq.

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.

APPROVED FEB 21 2024



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
LAND SURVEYOR UNDER THE LAWS OF THE
STATE OF MARYLAND.

LICENSE NUMBER: 483
EXPIRATION DATE: 1-14-2021

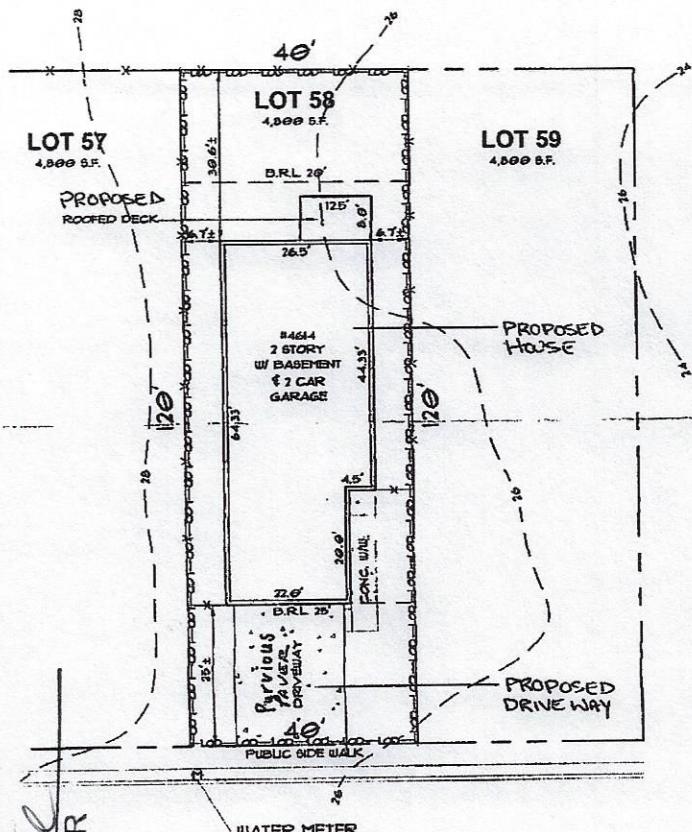
Cease not valid without signature

EXPIRES 1-14-2021

LOCATION DRAWING
4614 BURLINGTON ROAD
LOT 58

**"BURGESS SUB OF ROGERS & PHILLIPS ADDN
TO HYATTSVILLE"**

PRINCE GEORGE'S COUNTY, MARYLAND
TAX ACCOUNT 1829688 TAX MAP 050C2
LIBER: 14561 FOLIO:041
PLAT: A16-0928
SCALE 1" = 20'



LEGEND

- LO— LIMITS OF DISTURBANCE
- TM— TM— TREE PROTECTION FENCE
- X— WOOD FENCE
- B.R.L. (BUILDING RESTRICTION LINE)

TREE

WATER METER

NOTE
LIMIT OF DISTURBANCE
SURROUNDED WITH SLT FENCE
4,041 S.F.

ZONE R-65 ZONING Current-RSF-65

PROPOSED RESIDENCE = 1,614.83 S.F.

PROPOSED RESIDENCE
TOTAL LOT COVERAGE = 1,614.83 S.F.
EXISTING LOT SIZE = 4,000.00 S.F.

1,614.83 S.F. + 4,000.00 S.F. = 0.33642292
0.33642292 x 100 = 33% LOT COVERAGE

SCALE:
1"=20'-0"

Before
BOARD OF APPEALS

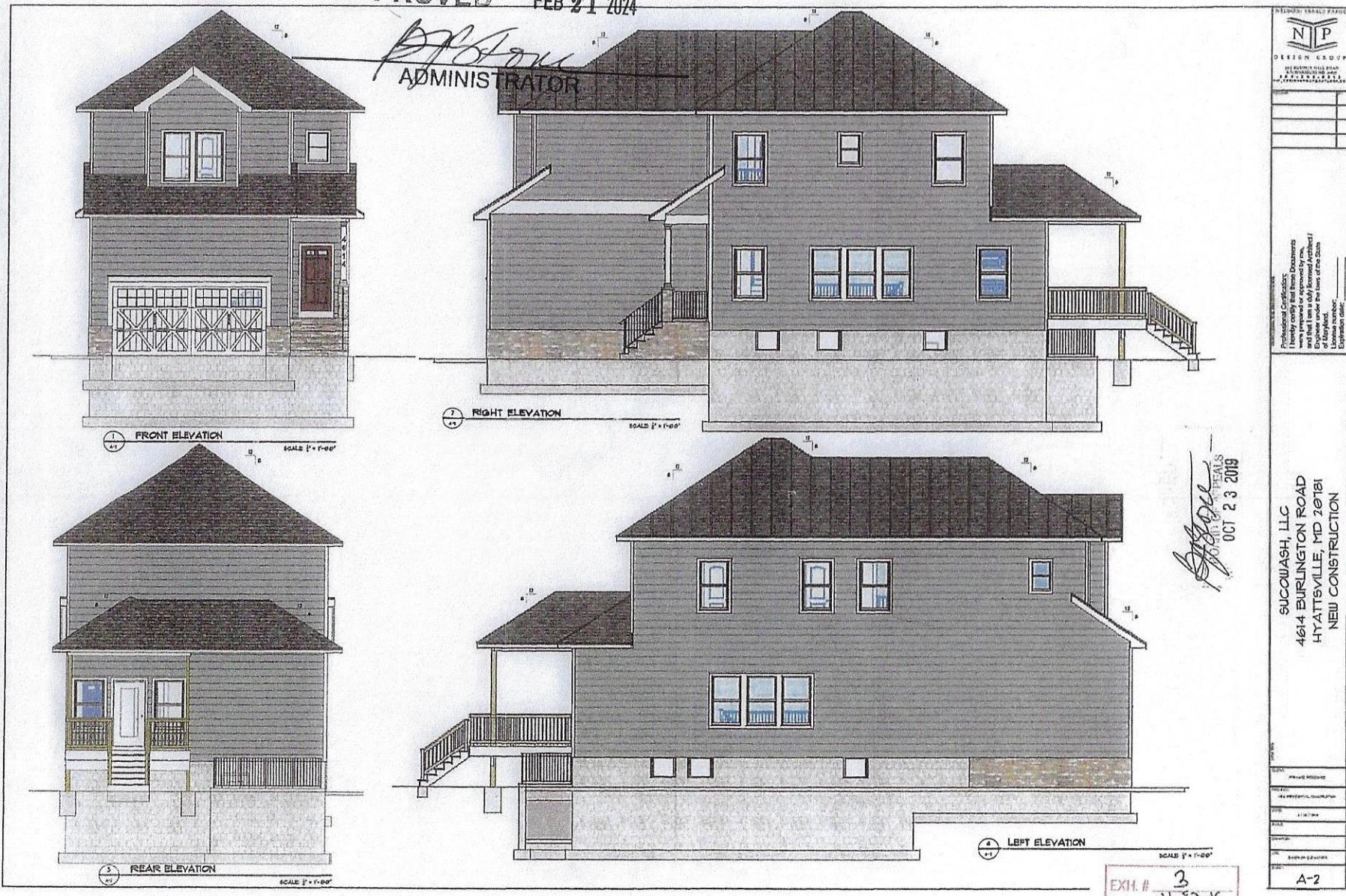
EXH. # 3
V-84-23

PROFESSIONAL CERTIFICATION		LEGEND:	PROPERTY ADDRESS: 4614 BURLINGTON ROAD, HYATTSVILLE MD 20781		
<p>WILLIAM R. H. H. PROFESSIONAL LAND SURVEYOR STATE OF MARYLAND LICENSE NUMBER: 483 EXPIRATION DATE: 1-14-2021</p>			PLAT#:	DATE OF LOCATIONS	<p>2 V-84-23</p>
			PLAT#:	SCALE: 1" = 20'	
			PLAT#:	DRAWN BY:	
			PLAT#:	TAX ID:	
			PLAT#:	WALL CHECK:	
			PLAT#:	LINE LOC:	
			PLAT#:	BLK LOC:	

BOARD OF APPEALS

APPROVED FEB 21 2024

B. J. Jones
ADMINISTRATOR



EXH. # 4
V-84-23