

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-131-16 Kenneth Carter and Rumi Matsuyama

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: November 9, 2016 .

**CERTIFICATE OF SERVICE**

This is to certify that on November 18, 2016 , 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: Petitioners  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
City of Hyattsville  
Other Interested Parties

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

Petitioners: Kenneth Carter and Rumi Matsuyama

Appeal No.: V-131-16

Subject Property: Lot 3, Block B, Colonial Knoll Subdivision, being 6213 Carrollton Terrace, Hyattsville,  
Prince George's County, Maryland

Municipality: City of Hyattsville

Heard and Decided: November 9, 2016

Board Members Present and Voting: 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, Petitioners request 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. Petitioners propose to construct a covered front porch and one-story addition with second level deck. A variance of 2% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1938, contains 7,436 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 6 and 7. The existing dwelling was built in 1942. Exh. 6.
2. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 7.
3. Petitioners would like to construct a 6' x 28' covered front porch and a 12' x 30' one-story addition on the side of the house with a second level deck (Exh. 2), but a variance is needed to obtain a building permit. Since construction of the porch and addition would cause the allowed amount of net lot coverage (30%) to be exceeded, a variance of 2% net lot coverage was requested. Exhs. 10 and 11.
4. Petitioner Kenneth Carter stated that the proposed addition will provide living space for his wife's elderly parents for whom Petitioners will provide full time care.
5. He explained that the proposed larger addition will replace the existing addition which is too small. Exhs. 2 and 3.
6. Mr. Carter also stated that the proposed front porch will be handicapped accessible for his in-laws. Exhs. 2 and 3.
7. He stated that he has discussed the construction with neighbors extensively and they have no objections as many of them also have additions.
8. The City of Hyattsville supported of the request. Exh. 16.
9. The Historic Preservation Section of M-NCPPC commented that the subject property is located within 1,000 feet of the Historic Site Paxton House (68-076) and that the variance request will have no effect on Historic Sites, Historic Resources or Historic Districts. Exh. 15.

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 house being built many years ago, the existing conditions on the property, the need for additional living space, the proposed porch and addition being handicapped accessible to accommodate elderly parents, an existing addition being removed prior to construction, 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 Mack absent, that a variance of 2% net lot coverage in order to construct a 6' x 28' covered front porch and 12' x 30' one-story addition with second level deck on the property located at Lot 3, Block B, Colonial Knoll Subdivision, being 6213 Carrollton Terrace, 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 elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: (Original Signed)  
Albert C. Scott, Vice Chairman

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.