

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-7-17 Michael and Sarah Curran

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 22, 2017 .

**CERTIFICATE OF SERVICE**

This is to certify that on March 21, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone  
Acting Administrator

cc: Petitioners  
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***

Petitioners: Michael and Sarah Curran

Appeal No.: V-7-17

Subject Property: Lots 202 & 203, Block F, Hyattsville Hills Subdivision, being 6000 41st Avenue,  
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Heard and Decided: February 22, 2017

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, Petitioners request 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 and a side yard at least 8 feet in width; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 30 feet from the side street line. Petitioners propose to validate existing conditions, reconstruct a one-story dwelling, with dormer, and construct a covered porch. Variances of .3 foot front yard depth, 3 feet side street yard depth and 1.4 feet side yard width for the dwelling, and 4.5 feet side street setback for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1925, contains 6,908 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. Exhibit (Exhs.) 2, 4, 5 (A) thru (B) and 7.
2. The property is an irregular shaped corner lot being tapered along 41<sup>st</sup> Street, with the dwelling facing the legal side street. The property is located within the Gateway Arts District Development Overlay Zone. Exhs. 2, 4 and 8.
3. Petitioners would like to reconstruct the 24.6' x 44.5' one-story addition, with a 19' x 24.6' dormer, and construct a 6' x 19' covered porch. The dwelling is located 24.7 feet from the front street line, 24.9 feet from the side street line and 6.6 feet from the side lot line. The proposed porch would be located 22 feet from the side street line. Variances of .3 foot front yard depth, 3 feet side street yard depth and 1.4 feet side yard width were requested, respectively. Exhs. 2, 3, 5 (A) thru (B), 9 (A) thru (F) and 10.
4. The existing garage is located 25.5 feet from the side street line. A variance of 4.5 feet side street setback was also requested. Exhs. 2 and 10.
5. Petitioner Michael Curran testified that an oak tree fell on the house during a wind storm. He stated that County Inspector stated that the house was inhabitable and needed to be rebuilt. Petitioner further stated that the house will be rebuilt on the same footprint as the original 1947 configuration, but adding an attic dormer and a proposed covered porch on the front of the dwelling facing 41<sup>st</sup> Avenue. Exhs. 2 and 3.
6. Petitioner submitted two letters of support from neighbors. Exhs. 21 and 22.

7. The City of Hyattsville supported applicants' requested variances. Exh. 18.

8. The Subdivision Section of Maryland-National Capital Park & Planning Commission reviewed the proposal and stated the following:

“If the Board of Appeals grants the requested variances for the proposed dwelling and covered porch, the applicant should be required to submit a minor final plat of subdivision (pursuant to Section 24-108 of the Subdivision regulations) to have the existing BRL removed, prior to building permits. A minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland - National Capital Park & Planning Commission.” Exh. 17.

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 owners 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 an oak tree falling on the house making it inhabitable, an irregular shaped lot 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, unanimously, that variances of .3 foot front yard depth, 3 feet side street yard depth and 1.4 feet side yard width for the dwelling, and 4.5 feet side street setback for an accessory building in order to validate existing conditions, reconstruct a 24.6' x 44.5' one-story addition, with 19' x 24.6' dormer, and construct a 6' x 19' covered porch on the property located at Lots 202 & 203, Block F, Hyattsville Hills Subdivision, being 6000 41st Avenue, 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. The Board notes that a minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland - National Capital Park & Planning Commission.

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.