



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

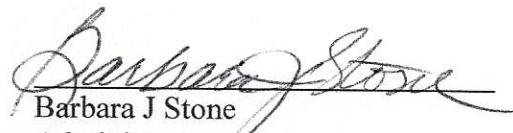
OF BOARD OF APPEALS

RE: Case No. V-10-23 William Jordan Patty and Julie K. Schweitzer

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 March 29, 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: William Jordan Patty and Julie K. Schweitzer

Appeal No.: V-10-23

Subject Property: Lot 5, Block B, Manor Subdivision, being 5608 36th Place, Hyattsville,
Prince George's County, Maryland

Municipality: Hyattsville

Witnesses: Kelly North, Architect

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 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 27-3313 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioners propose to obtain a building permit for the construction of a canopy in the front of the house. A variance of 3 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1941, contains 6,056 square feet, is zoned RSF-65 (Residential, Single-Family - 65) and is improved with a single-family dwelling, small rear deck with steps and shed.
2. The subject property is rectangular in shape. Exhibits (Exhs.) 2, 4, 6, 7, and 8 (A) thru (F).
3. Petitioners propose to obtain a building permit for the construction of a canopy in the front of the house for which a variance of 3 feet is required as the proposed canopy will encroach the front yard setback. Exhs. 2, 4, 6, 7, and 8 (A) thru (F).
4. Petitioner William Patty testified that there is an existing open porch, but it does not keep the porch from icing in the winter or protect packages from the weather. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (B).
5. Ms. Kelly North stated that the projection of the canopy will follow the footprint of the of the current porch. Exhs. 2 and 3 (a) thru (b).
6. The City of Hyattsville Council has approved the requested variance. Exh. 20.

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.

Findings of the Board

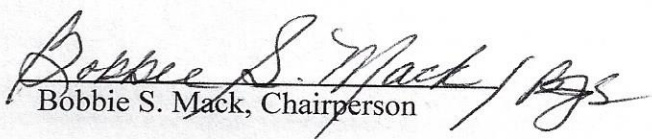
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the need to protect the front porch from the danger of adverse weather, including icing, 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 A variance of 3 feet front yard depth in order to obtain a building permit for the construction of a canopy in the front of the house on the property located at 5608 36th Place, 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 approved elevation plans, Exhibits 3 (a) thru (b).

BOARD OF ZONING APPEALS

By:


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

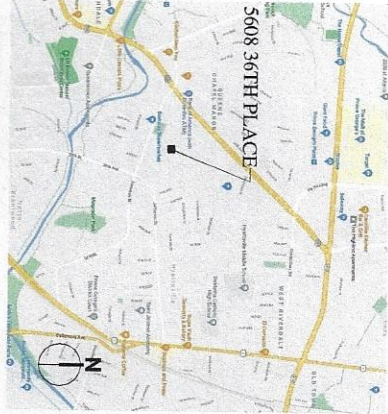
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision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

INDEX OF DRAWINGS

A-0a	COVER SHEET & NOTES
MD-1	MEASURED PLAN
MD-2	MEASURED ELEVATION
A-1	PROPOSED PLAN
A-2	PROPOSED ELEVATIONS
S-1	STRUCTURAL PLANS
S-2	STRUCTURAL DETAILS & NOTES

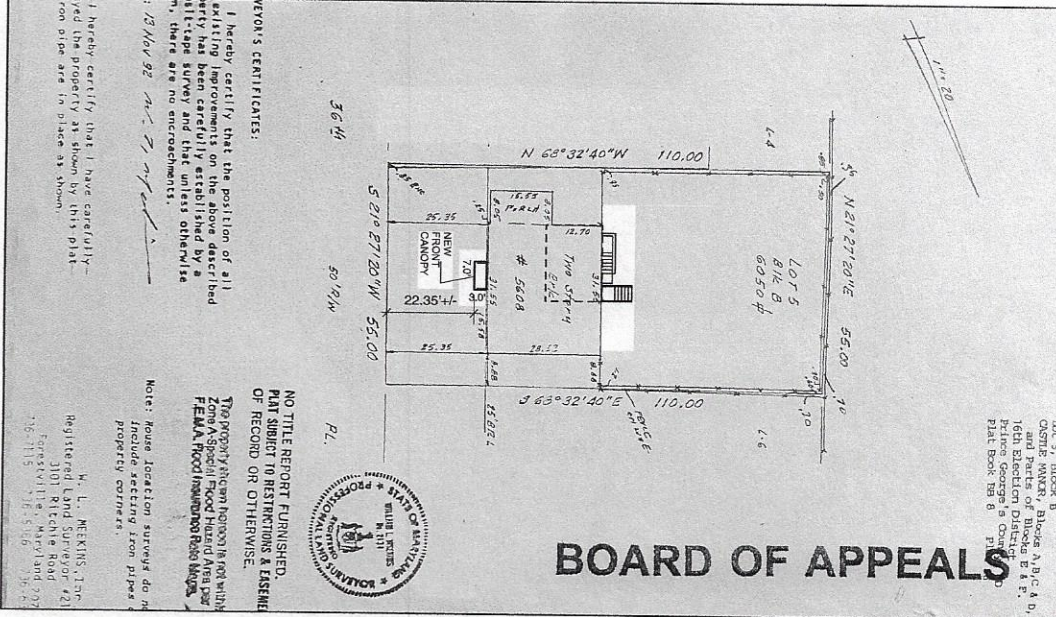
VICINITY MAP

FROM GOOGLE MAPS, MARCH 01, 2021
WITH SUPPLEMENTAL INFORMATION



SITE PLAN

SCALE: 1" = 30'-0"



PROJECT SUMMARY

1. NEW FRONT CANOPY

CODE SUMMARY

ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC 2015), INCLUDING ALL APPLICABLE PRINCE GEORGES COUNTY AND STATE OF MARYLAND AMENDMENTS & SUPPLEMENTS. CONSTRUCTION SHALL CONFORM TO ALL OTHER APPLICABLE LOCAL, STATE AND NATIONAL CODES, STANDARDS AND ORDINANCES.

GENERAL NOTES

- 1) THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF THE WORK OF ALL SUBCONTRACTORS AS REQUIRED TO COMPLETE THE WORK, AND SHALL VERIFY THAT ALL WORK IS DONE TO THE HIGHEST DEGREE OF CRAFTSMANSHIP BY JOURNEYMEN OF THE RESPECTIVE TRADES.
- 2) THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, AND SHALL WORK TO CRITICAL ALIGNMENTS AS INDICATED IN THE DRAWINGS, AND SHALL NOT SCALE THE DRAWINGS FOR MEASUREMENTS.
- 3) IF ANY DISCREPANCIES IN DIMENSIONS OR CONDITIONS ARE DETECTED, THE CONTRACTOR SHALL CONTACT THE ARCHITECT FOR CLARIFICATION PRIOR TO PROCEEDING WITH THAT PORTION OF THE WORK.
- 4) THE CONTRACTOR SHALL MAINTAIN THE SITE CLEAN AND FREE OF DEBRIS. THE CONTRACTOR SHALL MAINTAIN THE SITE AND JOB CONDITIONS IN SUCH A MANNER AS TO PROTECT FROM INJURY ALL PERSONS AND PROPERTY.
- 5) ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY THE CONTRACTOR PRIOR TO THE BEGINNING OF ANY CONSTRUCTION IN THE VICINITY OF THESE UTILITIES.
- 6) PROVIDE FOR THE DEMOLITION OF ALL EXISTING ITEMS WHICH WILL INTERFERE WITH THE WORK. PROVIDE MECHANICAL, ELECTRICAL AND PLUMBING DEMOLITION AS MAY BE REQUIRED.
- 7) PROVIDE BRACING AND SHORING AS REQUIRED TO PROTECT EXISTING CONSTRUCTION TO REMAIN FROM DAMAGE, AS WELL AS TO PROTECT ADJACENT PROPERTY, VERIFY ALL BEARING CONDITIONS PRIOR TO BEGINNING DEMOLITION.

ZONING SUMMARY

SUBJECT PROPERTY:
5608 36TH PLACE
HYATTSVILLE, MD 20781
LOT: 05 BLOCK: B ZONE: R-65

AREA CALCULATIONS

TOTAL LOT AREA: 6,050 SQ. FT.	
EXISTING LOT AREA:	
EXISTING HOUSE & PORCH:	1,025 SQ. FT.
TOTAL EXISTING LOT COVERAGE:	1,025 SQ. FT. (16.9%)
PROPOSED LOT AREA:	
EXISTING HOUSE & PORCH:	1,025 SQ. FT.
PROPOSED CANOPY:	21 SQ. FT.
TOTAL EXISTING LOT COVERAGE:	1,046 SQ. FT. (17.3%)

SETBACKS

FRONT YARD REQUIRED:	25.0 FT.
EXISTING FRONT YARD:	25.35 FT +/-
PROPOSED FRONT YARD:	22.35 FT +/-*
REAR YARD REQUIRED:	25.0 FT.
EXISTING REAR YARD:	NO CHANGE
PROPOSED REAR YARD:	NO CHANGE
SIDE YARD REQUIRED:	7.0 FT. & 7.0 FT.
EXISTING SIDE YARDS:	NO CHANGE
PROPOSED SIDE YARDS:	NO CHANGE

VARIANCE REQUIRED FOR NEW FRONT CANOPY

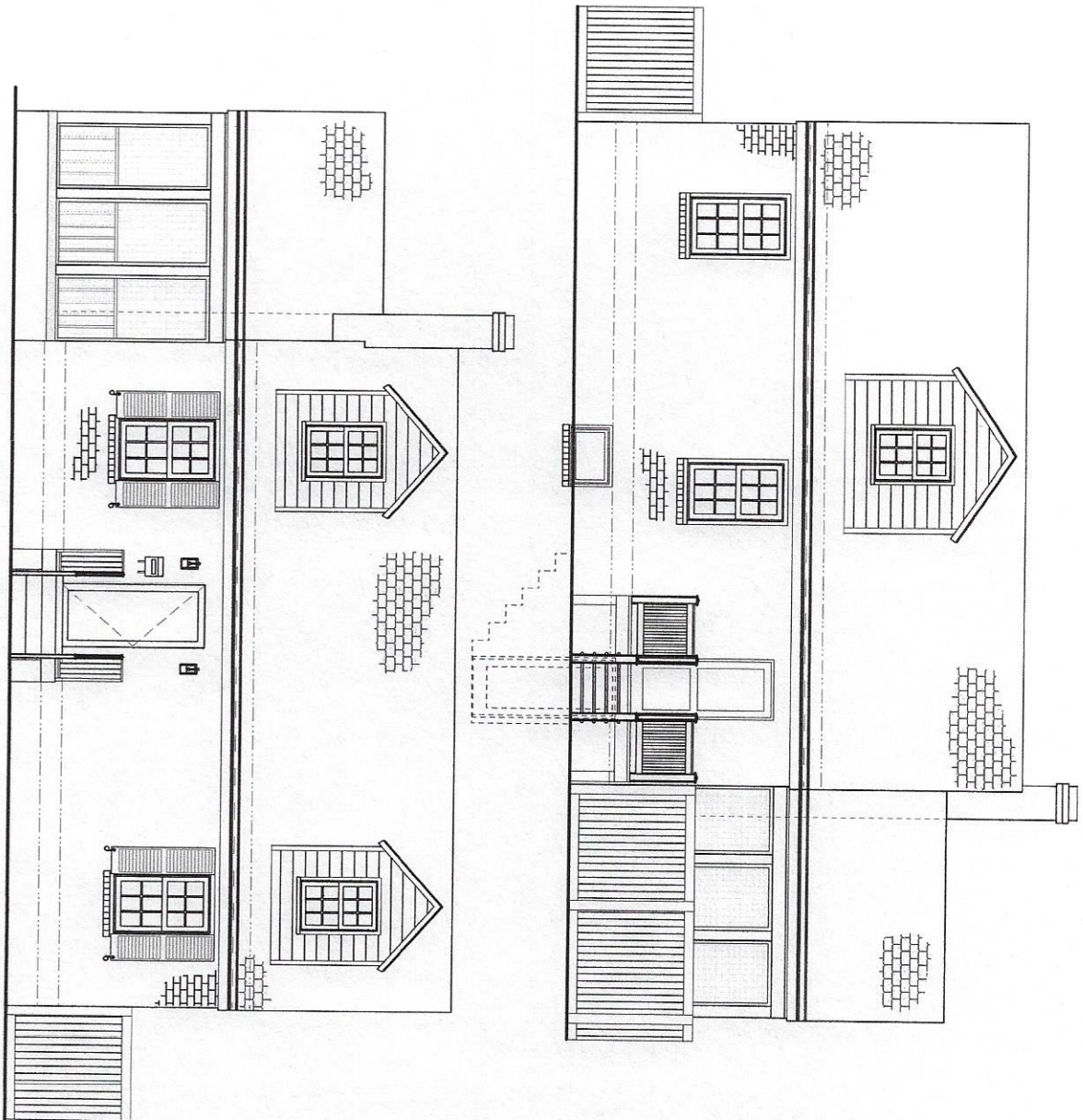
KELLY NORTH AIA, NCARB
LICENSED ARCHITECT
301.910.6936

PATTY SCHWETZER RESIDENCE
5608 36TH PLACE
HYATTSVILLE, MD 20781

COVER SHEET
SCALE: 1"=30'-0"

A-0a
19 JULY 2022

EXH. # 2
V-10-22



BOARD OF APPEALS

APPROVED MAR 22 2023

ADMINISTRATOR

3(a)

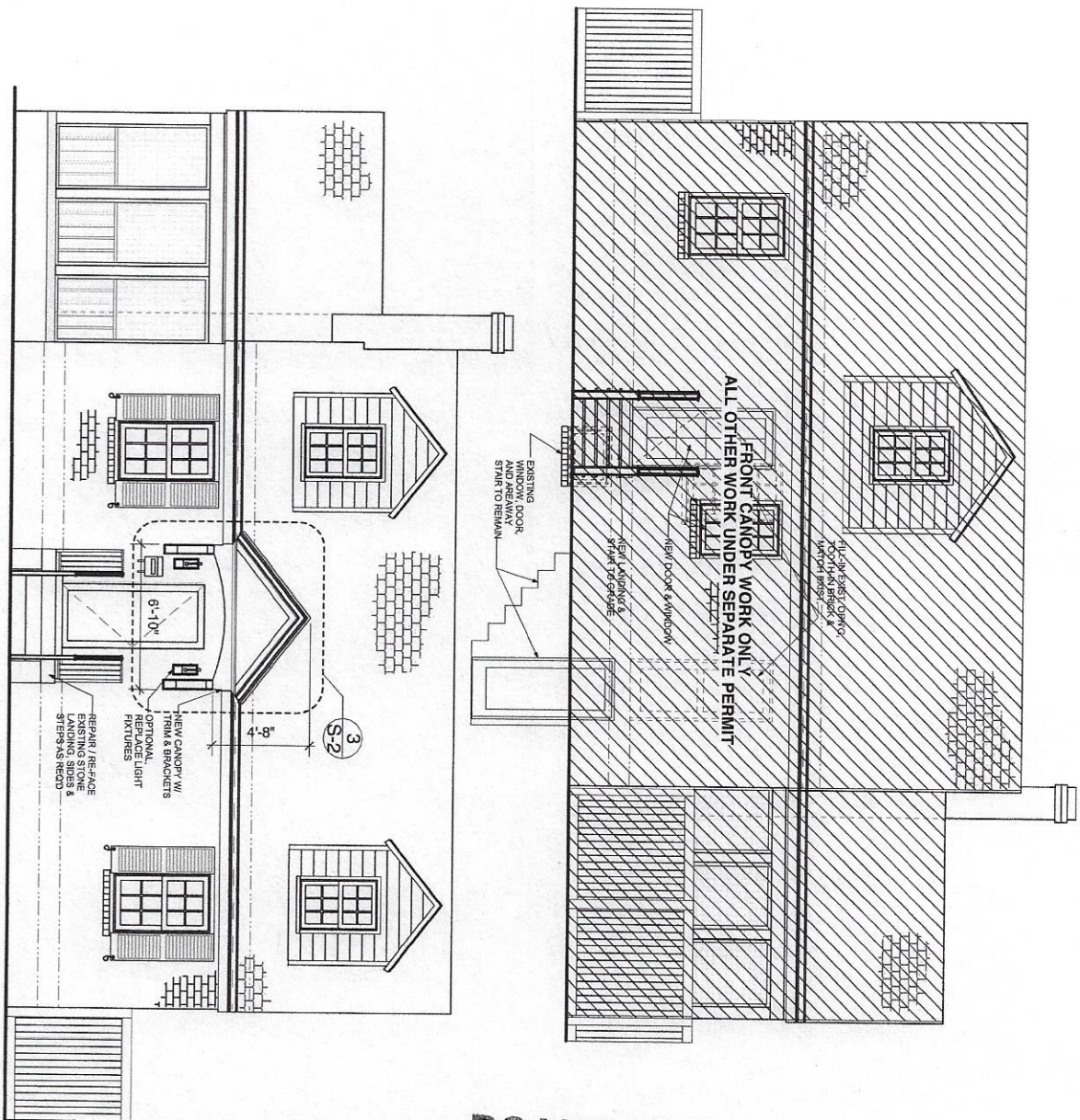
KELLY NORTH, AIA, NCARB
LICENSED ARCHITECT
301.910.6936

PATTY SCHWEITZER RESIDENCE
5608 36TH PLACE
HYATTSVILLE, MD 20781

EXISTING ELEVATIONS
SCALE: 3/16"=1'-0"

MD-2
19 JULY 2022

EXH # 3(a-b)
V-8-23



KELLY NORTH AIA, NCARB
LICENSED ARCHITECT
301.910.6936

PATTY SCHWEITZER RESIDENCE
5608 36TH PLACE
HYATTSVILLE, MD 20781

PROPOSED ELEVATIONS
SCALE: 3/16"=1'-0"

A-2
19 JULY 2022

BOARD OF APPEALS

APPROVED MAR 22 2023

[Signature]
ADMINISTRATOR

3(b)