



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-12-21 Kyle Phillip Ottman

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: May 12, 2021.

CERTIFICATE OF SERVICE

This is to certify that on July 15, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

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: Kyle Phillip Ottman

Appeal No.: V-12-21

Subject Property: Lot 12, Block 1, Bellemead Subdivision, being 4410 75th Avenue, Hyattsville,
Prince George's County, Maryland

Witness: Melina Ottman, Spouse

Heard and Decided: May 12, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member, Absent

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, Petitioner requests that the Board approve variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard and side street yard at least 25 feet in depth. Petitioner proposes to validate existing conditions (front yard depth) and side street yard depth to obtain a building permit for the construction of one-story addition. Variances of 3.2 feet front yard depth and 6.5 feet side street yard depth requested.

Evidence Presented

1. The property was subdivided in 1946, contains 8,499 square feet, is zoned R-55 (One-Family Detached Family) and is improved with a single-family dwelling, driveway, detached garage and wood deck. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject property is a corner lot with the dwelling facing the 75th Avenue. Exhs. 2 and 4.

3. Petitioner proposes to validate the existing condition of front yard depth and obtain a variance for the side street yard depth to obtain a building permit for the construction of one-story addition. The requirement for the front yard depth and the side street yard setback is 25 feet in depth, the lot is only providing 21.8 feet in the front yard and only 18.5 in the side street yard. Variances of 3.2 feet and 6.5 feet are required, respectively. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

4. Petitioner Kyle Ottman, testified that his brother, who suffers from mobility issues and uses crutches, will be living with Petitioner and his wife. He explained that there is a very narrow hallway that would restrict the brother from accessing the rest room because of the crutches. He stated that because the second bedroom is also very small, he is requesting a room addition with a connecting bathroom for his brother's management. The size of the room addition will be 23 ' x 14 and will connect to the existing house by a door entering the family room.

5. He testified that neighbors have not presented any complaints. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (H).

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

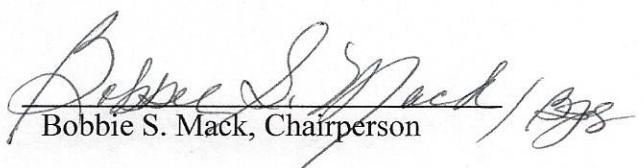
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the preexisting location and configuration of the dwelling, the small size of the existing second bedroom, the additional need for a larger bedroom and bathroom to accommodate the limited mobility of his brother 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 owner of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that variances of 3.2 feet front yard depth and 6.5 feet side street yard depth in order to validate an existing condition (front yard depth) and side street yard depth on the property located at 4410 75th Avenue, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (e).

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 27-233(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.

ORDERED BY:



PROPERTY ADDRESS: 4410 75TH AVENUE, HYATTSVILLE, MARYLAND 20784

SURVEY NUMBER: 1904.4469

FIELD WORK DATE: 5/1/2019

REVISION HISTORY: (REV 5/2/2019)

ADDRESS: 4410 75TH AVENUE
HYATTSVILLE, MD 20784

BOUNDARY SURVEY

LOT 12: BLOCK 1

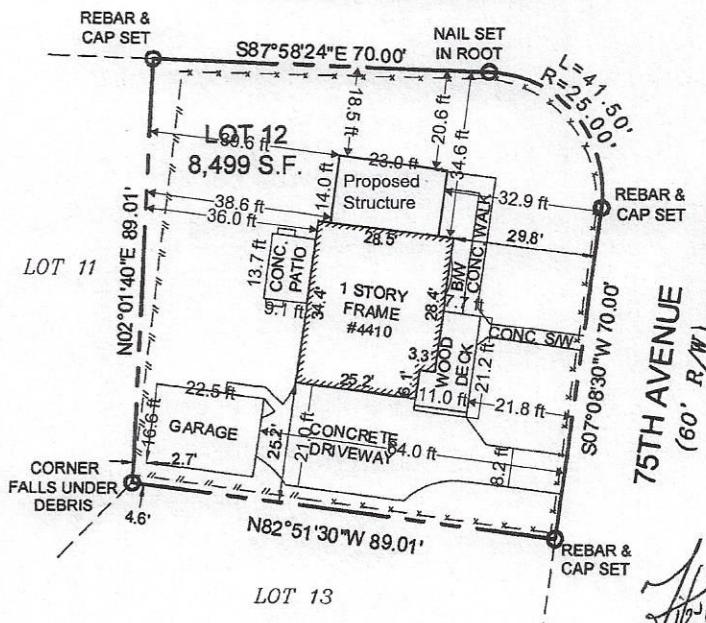
BELLEMEAD

PLAT: #10 @ 48

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1" = 30' DATE: 5/2/19

ARDWICK ARDMORE ROAD
(VARIABLE WIDTH R/W)



I HEREBY CERTIFY THAT
IMPROVEMENTS ARE LOCATED
AS SHOWN HEREON AND TO
THE BEST OF MY
INFORMATION, PROFESSIONAL
KNOWLEDGE AND BELIEF.
THERE ARE NO
ENCROACHMENTS EXCEPT AS
SHOWN.

Fitzroy J. Bertrand
Fitzroy J. BERTRAND
SURVEYOR
5/2/2019

DATE

NOTES:

1. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
2. SUBJECT TO ALL EASEMENTS ON RECORD.

DRAWN BY: DS
FILE: #4410 75TH AVENUE

EXH. # 2
V-12-21

POINTS OF INTEREST:
NONE VISIBLE

CLIENT NUMBER: NFT-19MD20574-P

DATE: 05/02/19

POWERED BY:

surveystars

EXACTA
MARYLAND SURVEYORS
o: 443.819.3994 | 1220 E Churchville Road, Suite 100 | Bel Air, MD 21014

LB# 21535
www.exactam.com

APPROVED MAY 12 2019

B. Stahl
ADMINISTRATOR

LEGAL DESCRIPTION:

LOT NUMBERED 12 IN BLOCK 1 IN THE SUBDIVISION KNOWN AS "BELLEMEAD" AS PER PLAT RECORDED IN PLAT BOOK 10 AT PLAT NO. 48 AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND.

JOB SPECIFIC SURVEYOR NOTES:

GENERAL SURVEYOR NOTES:

1. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
2. SUBJECT TO ALL EASEMENTS ON RECORD.
3. LEGAL DESCRIPTION USED TO PERFORM THIS SURVEY WAS SUPPLIED BY OTHERS.
4. THIS SURVEY HAS BEEN MADE FOR THE EXCLUSIVE USE OF THE ENTITIES CERTIFIED TO HEREON AND DOES NOT EXTEND TO ANY UNNAMED PARTIES.
5. THIS ENTIRE SURVEY WAS PERFORMED SOLELY BY REAL ESTATE SURVEYORS & DEVELOPERS, LLC, LOCATED AT 8325 CHERRY LANE, LAUREL, MARYLAND 20707, WHOSE PHONE NUMBER IS 301-604-3105. FOR THIS SURVEY, REAL ESTATE SURVEYORS AND DEVELOPERS, LLC PERFORMED THIS SURVEY COMPLETELY INDEPENDENT FROM EXACTA. REAL ESTATE SURVEYORS AND DEVELOPERS, LLC CARRIES ERRORS AND OMISSIONS INSURANCE AND ACCEPTS FULL RESPONSIBILITY FOR THE ENTIRE CONTENTS OF THIS SURVEY

LEGEND:

CHM.	Chimney
CONC.	Concrete
S.F.	Square Foot
STP	Steps
W/W	Window Well



Survey Monument

Wall

BOARD OF APPEALS

APPROVED  MAY 12 2021

ADMINISTRATOR

ELECTRONIC SIGNATURE:

In order to "Electronically Sign" all of the PDFs sent by STARS, you must use a hash calculator. A free online hash calculator is available at <http://www.fileformat.info/tool/md5sum.htm>

To Electronically Sign any survey PDF:

1. Save the PDF onto your computer.
2. Use the online tool at <http://www.fileformat.info/tool/md5sum.htm> to browse for the saved PDF on your computer.
3. Select the Hash Method as SHA.
4. Click Submit.

Your PDF is electronically signed if all of the characters in the SHA-1 code submitted by STARS matches the code which is produced by the hash calculator. If they match exactly, your PDF is electronically signed. If the codes do not match exactly, your PDF is not authentic.

PRINTING INSTRUCTIONS:

While viewing the survey in Adobe Reader, select the "Print" button under the "File" tab.

Select a color printer with legal sized paper.

Under "Print Range", click select the "All" toggle.

Under the "Page Handling" section, select the number of copies that you would like to print.

Under the "Page Scaling" selection drop down menu, select "None".

Uncheck the "Auto Rotate and Center" checkbox.

Check the "Choose Paper size by PDF" checkbox. Click OK to print.

POWERED BY



www.surveystars.com

EXACTA

EXACTA MARYLAND SURVEYORS, INC.

LB# 21535

www.exactamd.com

o: 443.819.3994

1220 E Churchville Road | Bel Air, MD 21014

GENERAL NOTES

No.	Revisions	Date

DRAWING NO. 017-A-21



CADSOFT
SOFTWARE LTD.
151 INDUSTRIAL RD.
OAKBROOK, IL 60521
TEL. 708/525-1636

Project Name	Address
BEDROOM ADDITION	4410 75th Ave Highsville

Client: KYLE OTTAMAN

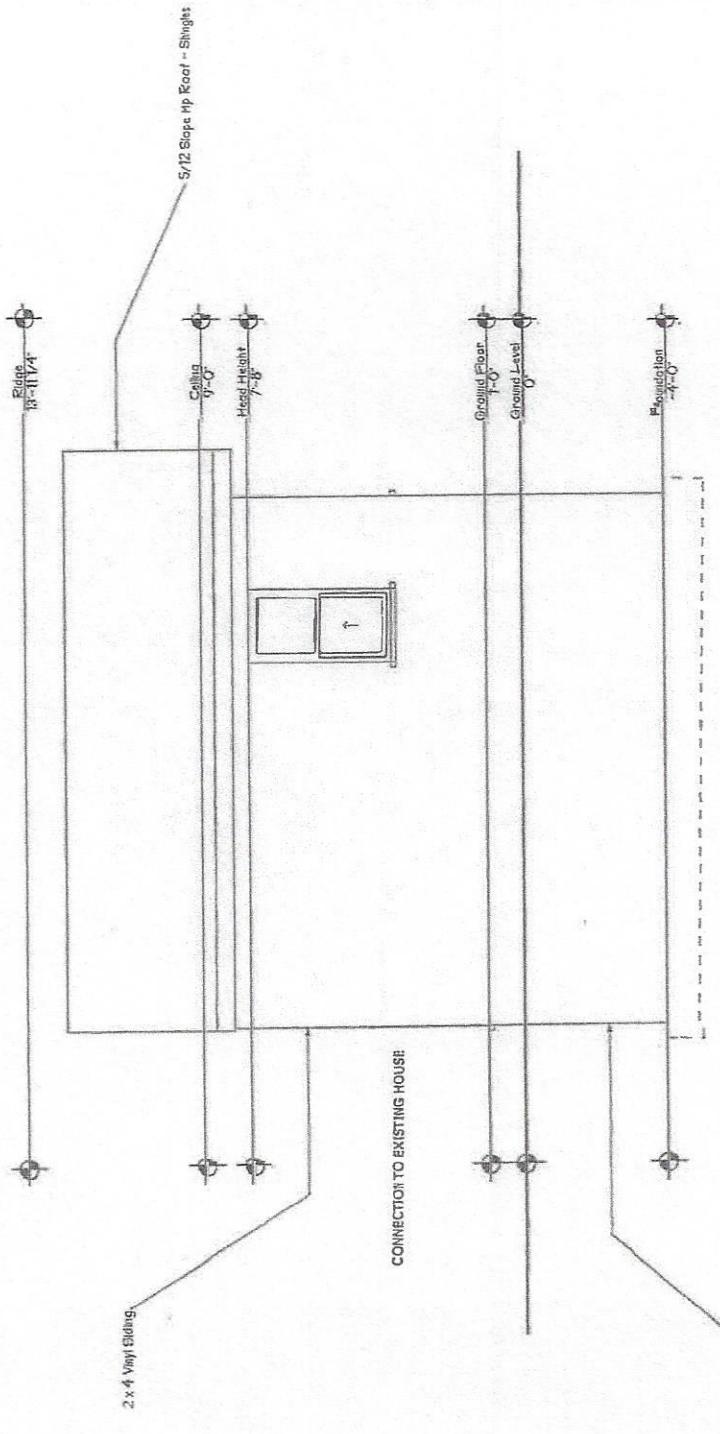
DRAWING	SITE PLAN	DRAWING SUB. NAME
017-A-21	1/2-50	DATE: MAY 2011

DRAWING	SITE PLAN	DRAWING SUB. NAME
017-A-21	1/2-50	DATE: MAY 2011

EXH. # 3(A-E)
V-12-21

FRONT ELEVATION

A



APPROVED MAY 12 2011

By Stone
ADMINISTRATOR

BOARD OF APPEALS

GENERAL NOTES

No.	REV/NO/VER/RS/IS	DATE

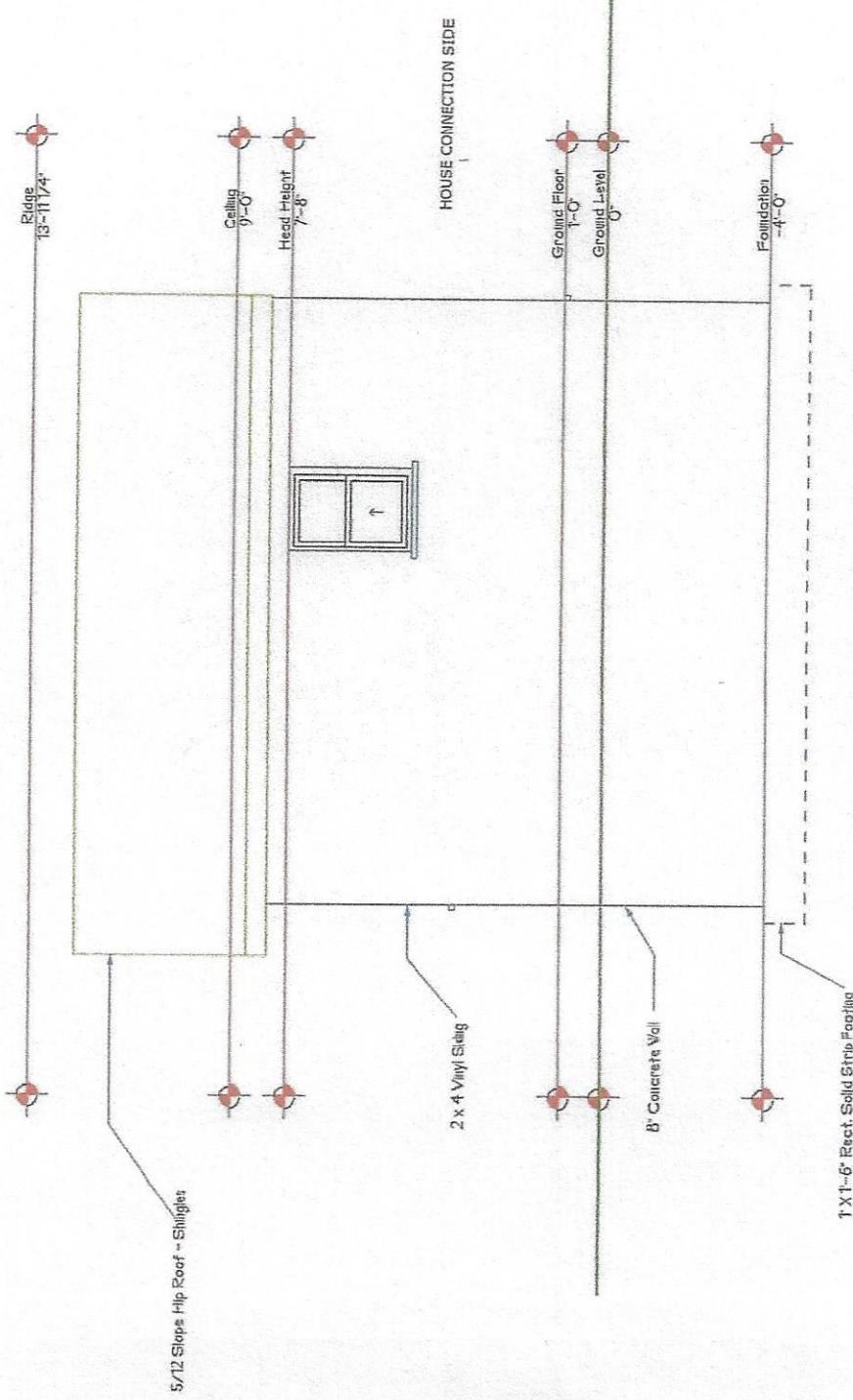
DRAWN BY	REVIEWED BY

CADSOFT	
TM	WOODLAND, CA 91364
© 2000	800.323.4638
www.cadsoft.com	
PROJECT NAME	

DRAWN BY	REVIEWED BY

FLOOR PLAN DRAWING SUBNAME	
DESIGNER IN-CHARGE	DATE #125-2008
TECHNICIAN	
APPROVED	
SUPERVISOR	

A5

REAR ELEVATION

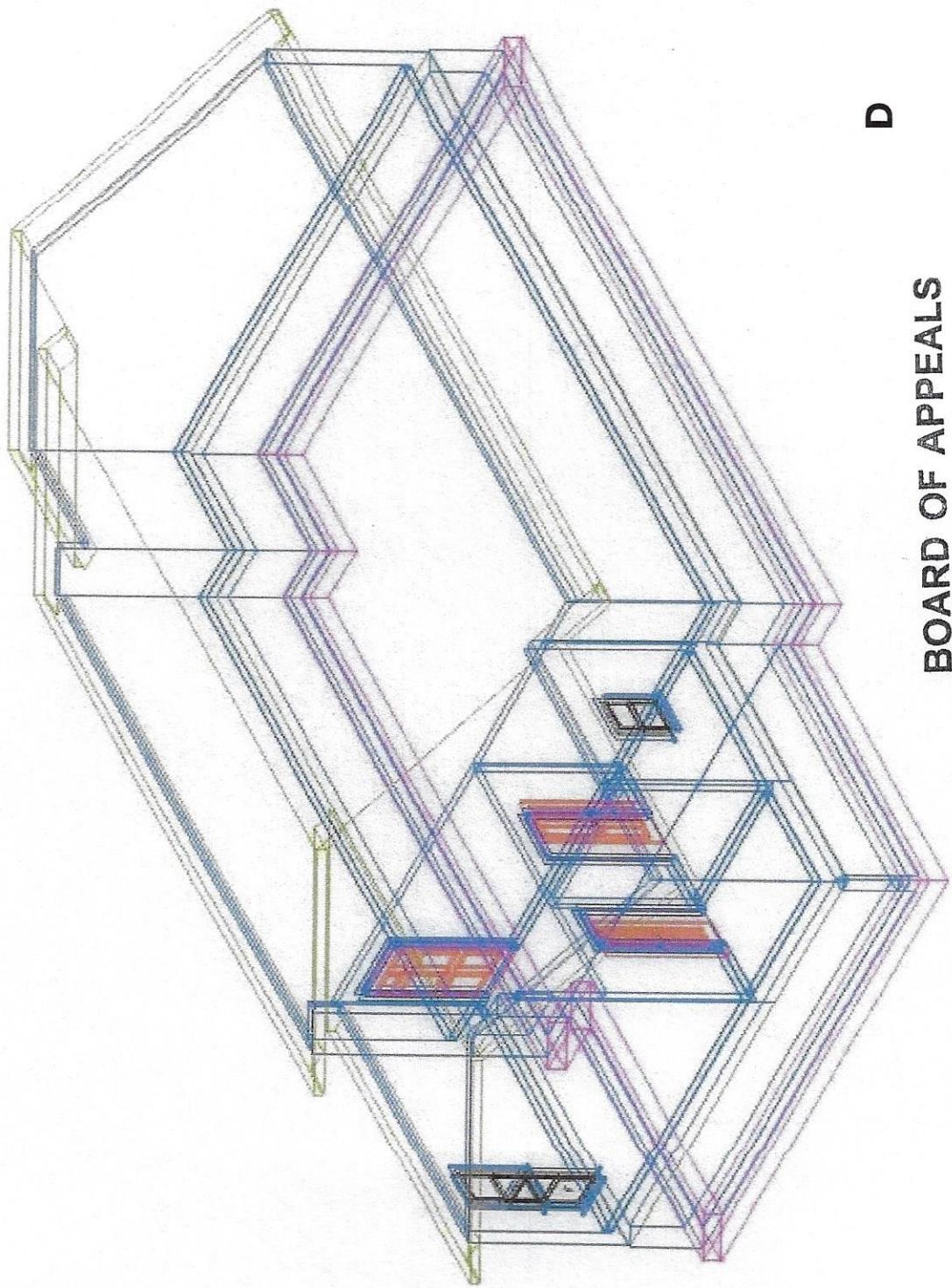
B

BOARD OF APPEALS

APPROVED MAY 12 2008



ADMINISTRATOR



D

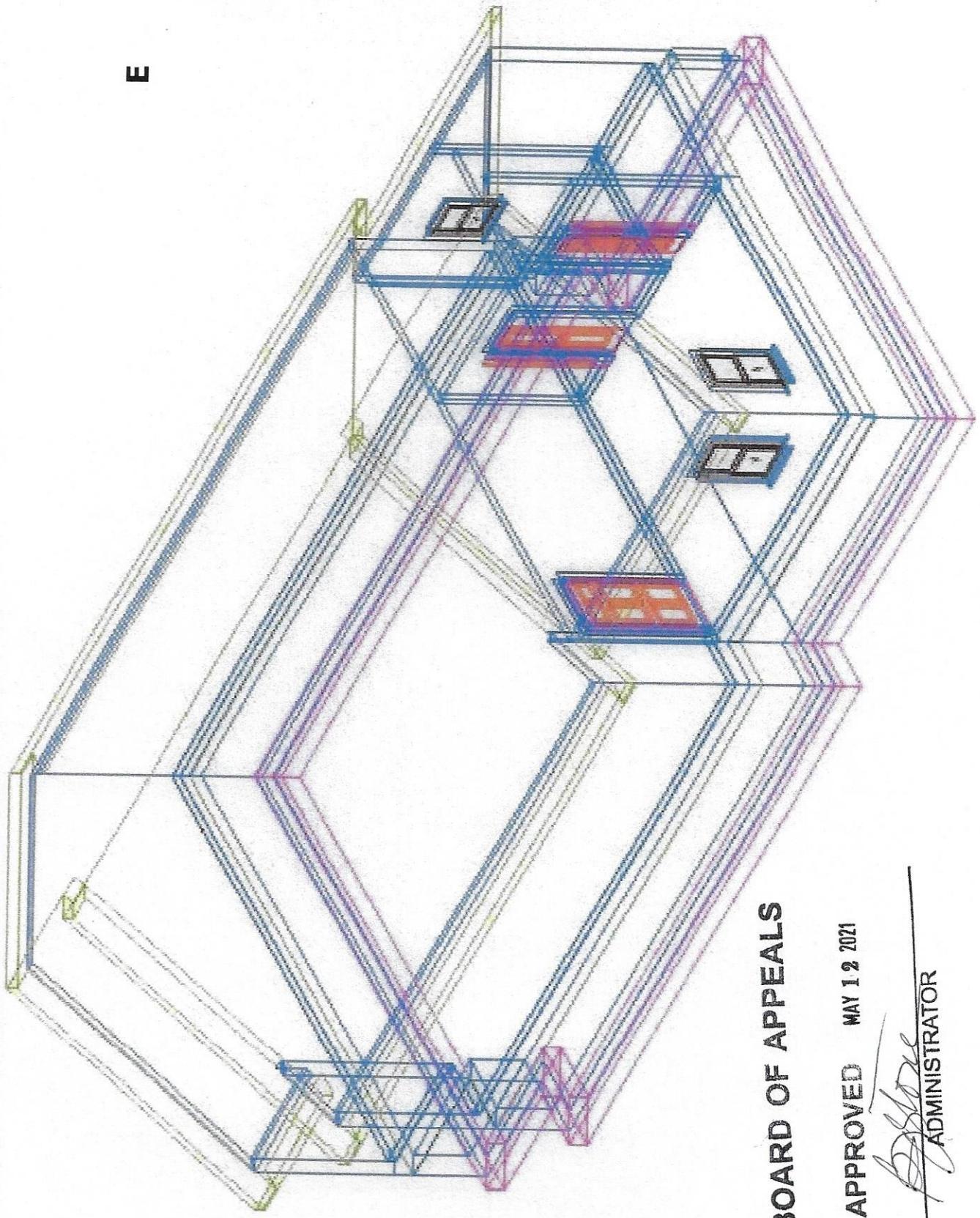
BOARD OF APPEALS

APPROVED

MAY 12 2021

[Signature]
ADMINISTRATOR

E



BOARD OF APPEALS

APPROVED MAY 12 2021

B. Johnson
ADMINISTRATOR