



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

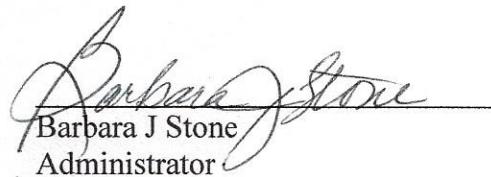
OF BOARD OF APPEALS

RE: Case No. V-68-21 Alfred and Angela Daley

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: October 20, 2021.

CERTIFICATE OF SERVICE

This is to certify that on January 24, 2022, 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", is written over a horizontal line. Below the signature, the name "Barbara J. Stone" is printed in a standard black font, followed by the title "Administrator" in a smaller font.

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: Alfred and Angela Daley

Appeal No.: V-68-21

Subject Property: Lot 14, Block 2, Hall's Addition to Adelphi, being 1901 Danna Drive, Hyattsville,
Prince George's County, Maryland

Witnesses: Angela Myrie Daly, Petitioners Spouse

G. B. Jemmot, Agent

Nevel Townsend, Contractor

Heard: October 6, 2021; Decided: October 20, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Albert C. Scott, Vice Chairman

Board Member Absent: 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, Petitioner requests 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 rear yard at least 20 feet in depth/width. Petitioner proposes to validate existing conditions (front yard depth, rear yard depth/width) and obtain a building permit to rebuild the wood deck. Variances of 1.5 front yard depth (O/H roof) and 4 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 1966, contains 10,150 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and interior garage. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. The subject property is located within a cul-de-sac and is oddly shaped with a 15-foot Storm Drain and Sanitary Sewer Easement. (The easement is split being two lots, located half on the subject lot (Lot 14 and the other half located on Lot 13). Exhs. 2, 4, 8, 9 and 10 (A) thru (F).

3. Petitioners propose to validate existing conditions (front yard depth, rear yard depth/width) and obtain a building permit to rebuild the wood deck. Due to the overhang, the dwelling is encroaching the required 25 feet front yard setback. A variance of 1.5 feet front yard setback is required. Because the new deck replacement (as did the old deck) encroaches the rear yard setback by 4 feet, therefore, a variance of 4 front yard feet is also required. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).

4. Mr. Townsend stated that there was an existing deck located on the rear of the home. They are planning to replace the older deck with a new wooden deck and stairs with the dimensions of 50 feet wide and 12 feet in depth. The original deck has been there for 30 years. The new deck will be within the same footprint as the older deck. Exhs. 2, 3 (a) thru (e) and 5 (A) thru (O).

5. Ms. Daly explained that the deck will provide enjoyment of their rear yard as well as serve as an emergency exit. She testified that the existing deck is old, in disrepair and a safety hazard. Exhs. 2, 3 (a) thru (e) and 5 (A) thru (O).

6. Petitioners have submitted a revised site plan to demonstrate the location of the stairs on the deck. 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 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

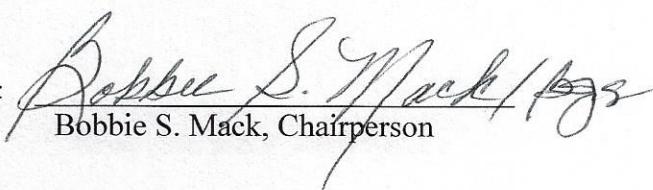
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the condition of the existing deck being in disrepair causing a safety hazard, the shape of the lot which constricts the location of the deck, the new deck will be within the same footprint as the existing deck. 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 1.5 front yard depth (O/H roof) and 4 feet rear yard depth/width in order to validate existing conditions (front yard depth, rear yard depth/width) and obtain a building permit to rebuild the wood deck on the property located at 1901 Danna Drive, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17 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.



LOCATION DRAWING

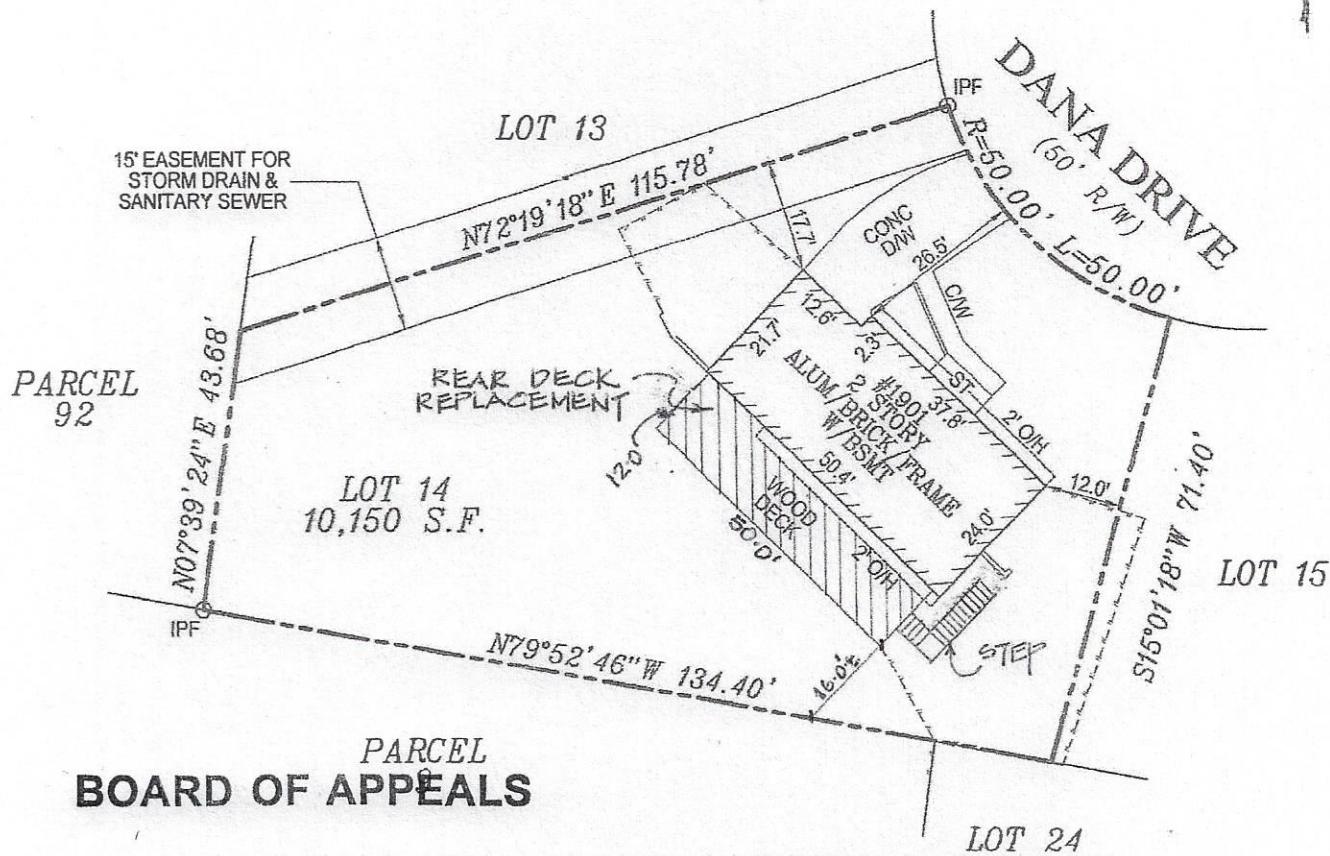
PROPERTY INFORMATION

1901 DANA DRIVE, HYATTSVILLE, MARYLAND 20783
 LOT 14 BLOCK 2 PB A-5979 HALL'S ADDITION TO ADELPHI L.13512 F.384
 PRINCE GEORGE'S COUNTY

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE IMPROVEMENTS ARE LOCATED AS SHOWN. EXACT PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, WE ASSUME NO RESPONSIBILITY OR LIABILITY FOR ANY RIGHT-OF-WAYS OR EASEMENTS RECORDED OR UNRECORDED. NO TITLE REPORT FURNISHED.

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the state of Maryland. License No. 15937, Expiration Date: 3/31/22



APPROVED OCT 20 2021

By Stone
 ADMINISTRATOR

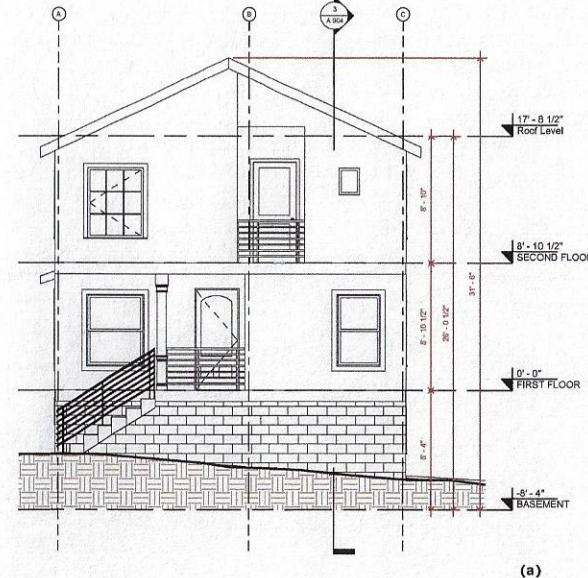
EXH. # 17
 V-68-21

NOTE: THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR RE-FINANCING; IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; AND DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OR PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. FENCES IF SHOWN ARE APPROXIMATE ONLY AND DO NOT CERTIFY TO OWNERSHIP.

SITE DEVELOPMENT CONSULTANTS LLC

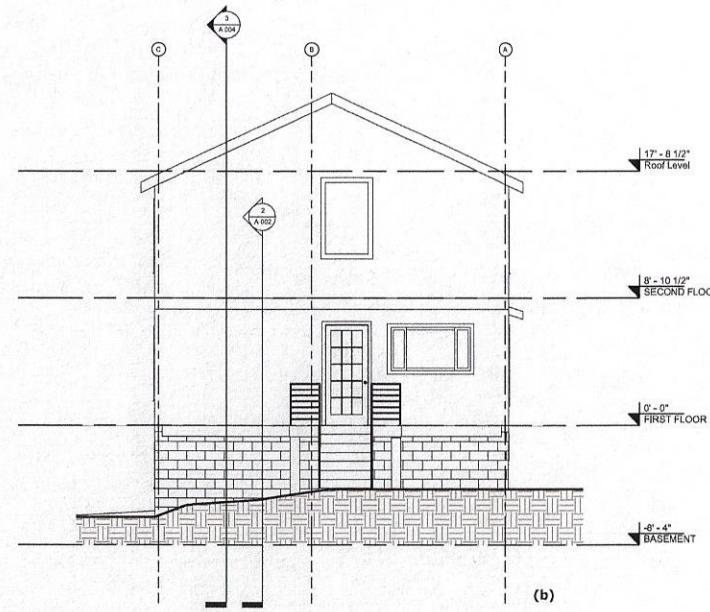
SURVEYORS, ENGINEERS, CONTRACTORS

8402 QUILL POINT ROAD
 BOWIE MARYLAND 20720
 TEL: 301-459-5380
 FAX: 301-459-5381
www.sitedevelopmentconsultants.com



(a)

① South
1/4" = 1'-0"



(b)

② North
1/4" = 1'-0"

BOARD OF APPEALS

APPROVED OCT 20 2021

B. Stone
ADMINISTRATOR

EXH # 3(a-e)
V-68-21

NO.	REVISION	BY:	DATE



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO 36990 EXPIRATION DATE 03-16-2022

CLIENT
NAME
Diaz United LLC

SHEET
TITLE
PROPOSED ELEVATIONS

PROJECT
DESCRIPTION
4302 Byers St,
Capitol Heights, MD

DRAWINGS PRODUCED BY:

 Kitchenetal Design Plus
4111 Maureen Lane,
Fairfax VA 22033
(571) 501-5941
design@kitchenetal.com

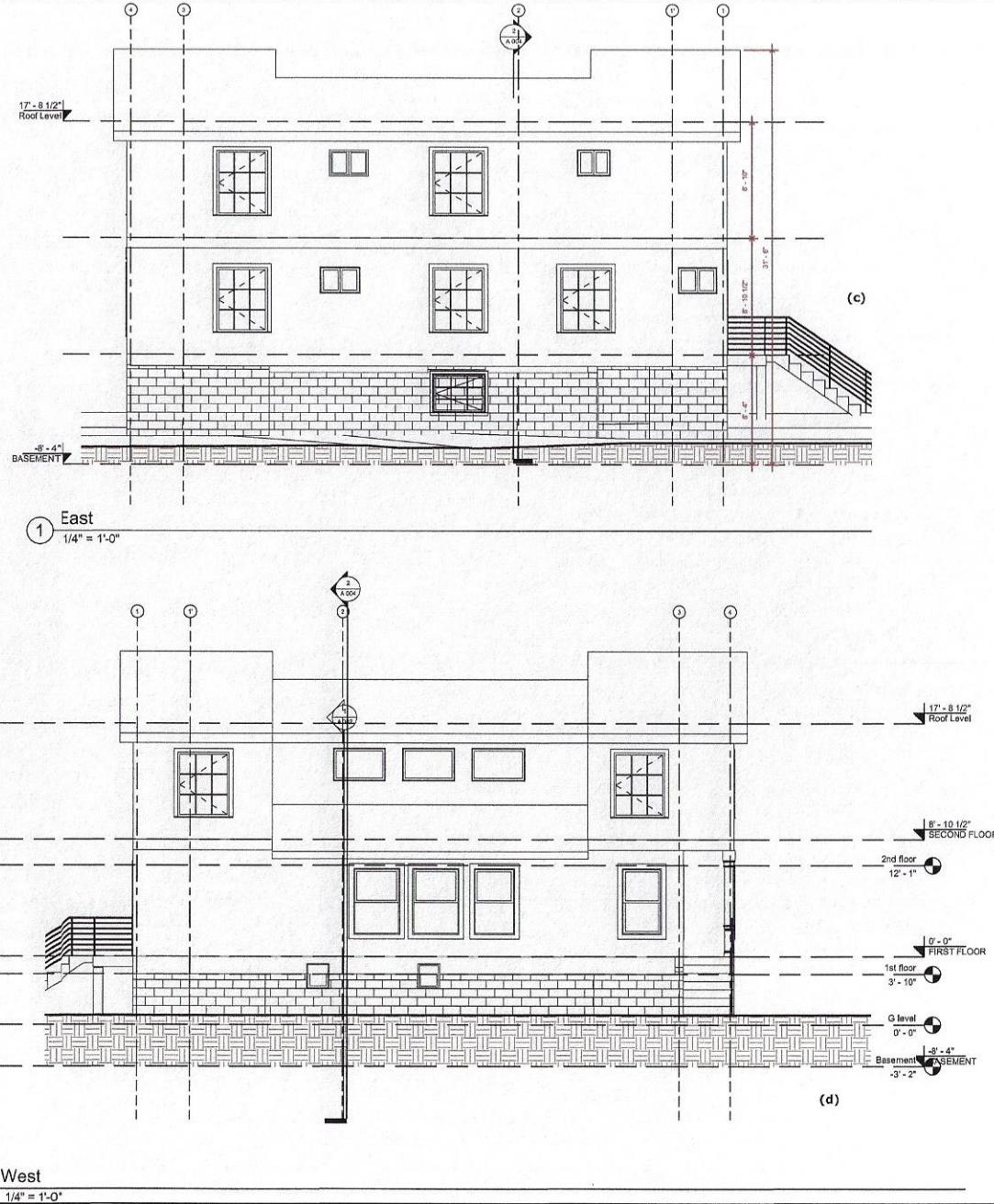
Project number:	Project Number:	Drawn by:	23d Converter
Date:	Issue Date:	Approved by:	Approver

SHEET No:			
A 005			
Scale: AS NOTED			

BOARD OF APPEALS

APPROVED OCT 2021

ADMINISTRATOR



NO.	REVISION	BY:	DATE



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND LICENSE
NO 36990 EXPIRATION DATE 03-16-2023

CLIENT
NAME
Diaz United LLC

SHEET
TITLE
PROPOSED ELEVATIONS

PROJECT
DESCRIPTION
4302 Byers St,
Capitol Heights, MD

Project number:	Project Number	Drawn by:	234D Converter
Date:	Issue Date	Approved by:	Approver

SHEET No:

A 006

Scale: AS NOTED

11. *What is the best way to increase the number of people who use a particular service?*

