



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-104-21 Jesus Amaya

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: December 1, 2021.

CERTIFICATE OF SERVICE

This is to certify that on March 25, 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".

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: Jesus Amaya

Appeal No. V-104-21

Subject Property: Part of Lot 64 and Part of Lot 65, Block D, Villa Heights Subdivision, being 5622
Landover Road, Hyattsville, Prince George's County, Maryland

Witness: Cesar Umana, Permitting Service, Unlimited Design Builders

Heard and Decided: December 1, 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 front yard at least 25 feet in depth. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate an existing condition (front yard depth) and obtain a building permit for the construction of a front porch. A variance of 12 feet front yard depth and 23.9 % net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1925, contains 8,558 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, covered porch and wood deck. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (H).

2. Petitioner proposes to validate an existing condition (front yard depth) and obtain a building permit for the construction of the covered front porch. A variance of 12 feet is required as the front porch addition is only 13 feet from the front property line. The maximum allowable net lot coverage is 30% in the R-55 zone. Because the total net lot coverage will be at 53.9 % with the existing and proposed construction, a variance of 23.9% net lot coverage is also required. Exhs. 2, 4, 8, 9 and 10 (A) thru (H).

3. Mr. Amaya testified that the Petitioner is reconstructing the front covered porch because the original porch and stairs had become unstable and dangerous for his family and postal deliveries. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (R).

4. Petitioner Jesus Amaya testified that he purchased the property approximately 15 years ago but was unaware that the front porch was in such disrepair as the front door was rarely used. Because of the condition and possible liability, he began reconstruction of the porch without a permit, and received a Notice of Violation and Stop Work Order on December 18, 2019.¹ He further explained that he has gone through some physical health problems and desires to add a ramp for wheelchair accessibility. Exhs. 2, 3 (a) thru (d), 5 (A) thru (R), 12 and 13.

¹ The new porch will be reframed with a new portico that extends over the walkway. Exhs. 1 and 2

5. Cesar Umana stated the new front porch will be constructed on the footprint of the original porch. The only change will be the configuration of the stairs which will end at the side of the porch to comply with accessibility requirements of the Americans with Disabilities Act. He further stated that the stairs were originally extended on the front of the porch.² Exhs. 2, 3 (a) thru (d) and 5 (A) thru (R).

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

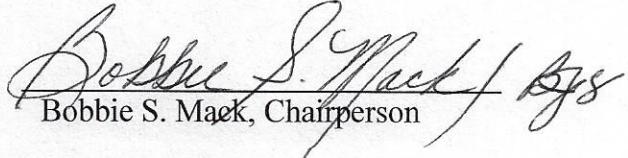
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the unstable/dangerous condition of the front porch, the need to rebuild the porch for safety reasons 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 a variance of 12 feet front yard and 23.9% net lot coverage in order to validate an existing condition (front yard depth) and obtain a building permit for the construction of a front porch on the property located at 5622 Landover Road, 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 (d).

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By:


Bobbie S. Mack, Chairperson

² There is a small (6 inches) retaining wall along the porch and driveway.

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.

MARYLAND

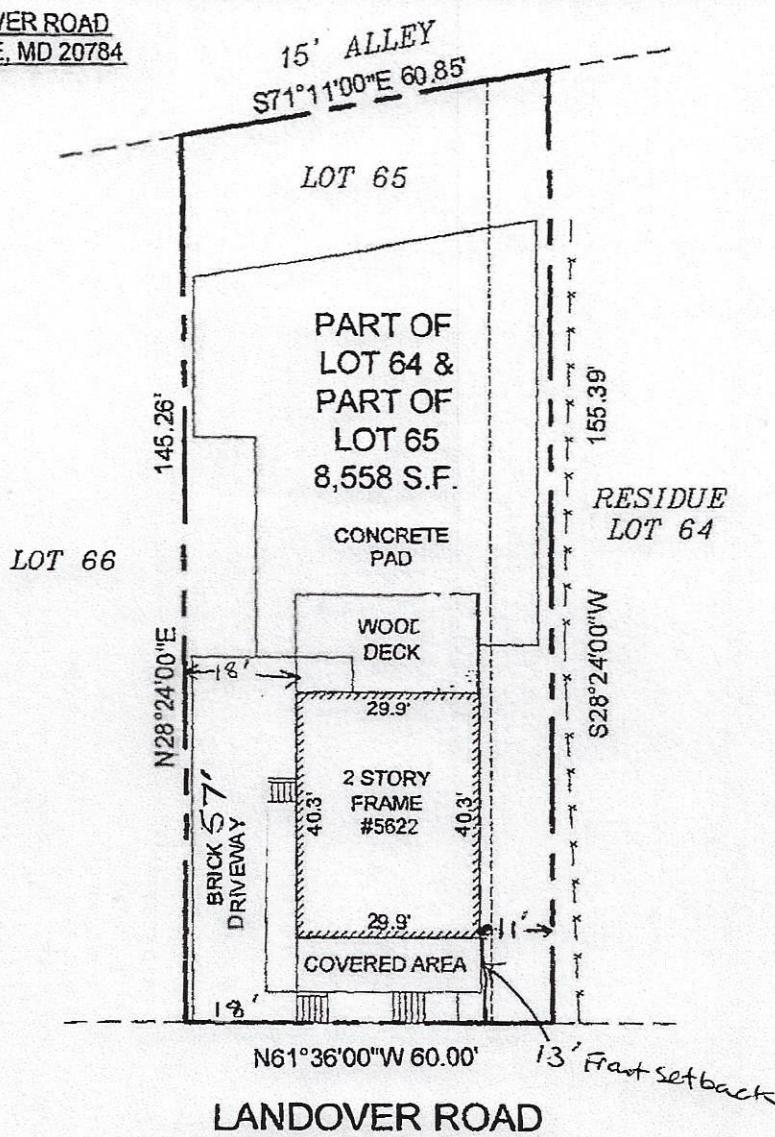
WASHINGTON, D.C.

VIRGINIA

ADDRESS: 5622 LANDOVER ROAD
HYATTSVILLE, MD 20784

BOARD OF APPEALS

APPROVED DEC 01 2021



NOTES:

1. THIS IMPROVEMENT LOCATION DRAWING:
 - A. 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 REFINANCING;
 - B. IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; AND
 - C. DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
2. THE LEVEL OF ACCURACY OF APPARENT SETBACK DISTANCES IS ONE FOOT, MORE OR LESS.
3. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
4. SUBJECT TO ALL EASEMENTS ON RECORD.
5. A BOUNDARY SURVEY IS RECOMMENDED TO ACCURATELY LOCATE BOUNDARY LINES, HOUSE AND IMPROVEMENTS ON PROPERTY.

DRAWN BY: DS
FILE: #5622HL0C_2020

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
Fitzroy J. Bertrand
Surveyor

FITROY J. BERTRAND
SURVEYOR11/24/2020
DATELOCATION DRAWING
PART OF LOT 65
VILLA HEIGHTSPLAT: #3 @ 29
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1" = 90'

DATE: 11/24/20

REAL ESTATE SURVEYORS & DEVELOPERS, LLC

Residential Commercial Industrial and Land
WWW.RESDLLC.COM
LAUREL LAKES EXECUTIVE PARK
8325 CHERRY LANE
LAUREL, MARYLAND 20707
TEL: (301)604-3105 FAX: (301)604-3108

EXH. # 2
V-104-21

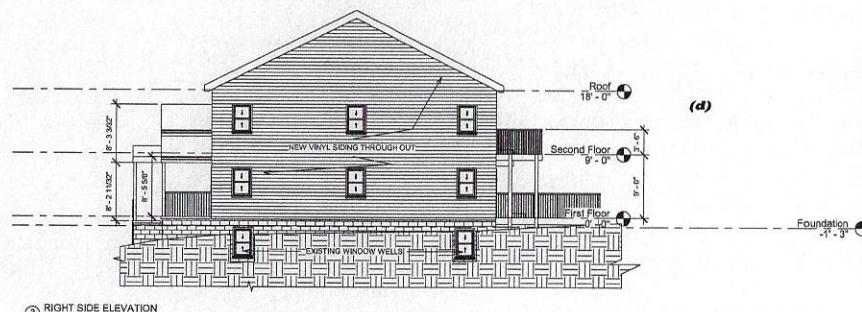
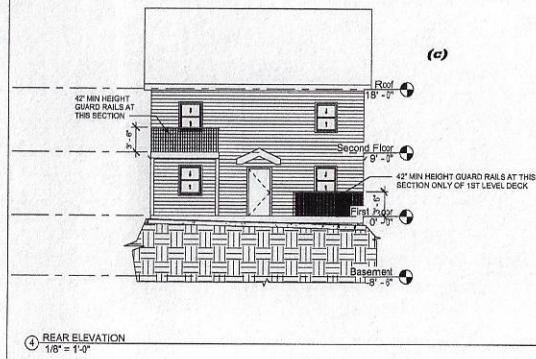
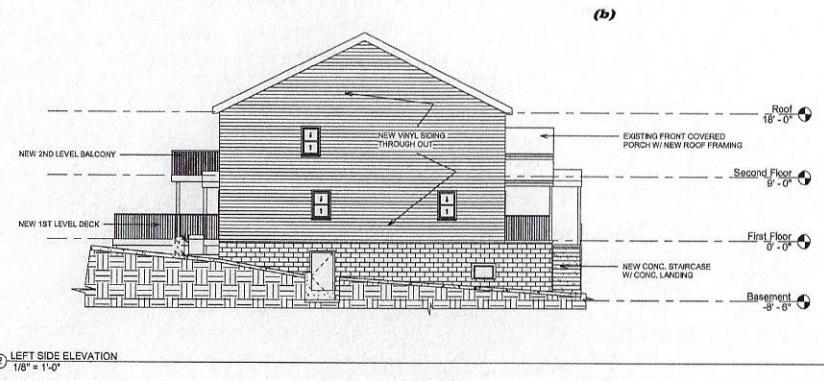
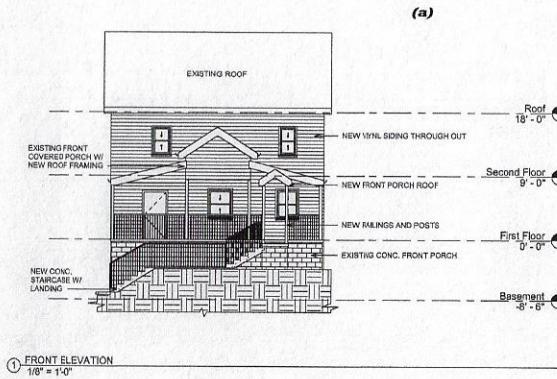
BOARD OF APPEALS

APPROVED DEC 01 2021

ADMINISTRATOR



(240)486-6139



5622 Landover RD, Hyattsville, MD 20784

Jesus Amaya

ELEVATION VIEWS

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
A2	
Scale	1/8" = 1'-0"