



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-48-24 Molly and Gavin Kovite

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 23, 2024.

CERTIFICATE OF SERVICE

This is to certify that on January 29, 2025, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

Ellis Watson

Ellis Watson
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: Molly and Gavin Kovite

Appeal No.: V-48-24

Subject Property: Lot 17, Block 12, Hyattsville Hills Subdivision, being 3911 Kennedy Street, Hyattsville, Prince George's County, Maryland

Heard: September 11, 2024 and Decided: October 23, 2024

Witnesses: Max Webber, Previous Owner

Angelique Andrea, Real Estate Agent

Kevin Barrett, Neighbor

Board Members Present and Voting: Omar Boulware, Chair

Phillippa Johnston, Vice Chair

Dwayne A. Stanton, 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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e)(1) that prescribes a lot shall have a minimum width of 65 feet at the building line, a lot frontage a minimum width of 52 feet at the front street line. Section 27-4202(e)(2) prescribes that a lot shall have a minimum front yard depth of 25 feet. Section 27-4202(e)(3) prescribes that each lot shall have a side yard at least 8 feet in width. Variances of 15-foot lot width at the building line, 2-foot lot width at the front street line, 3'-6' front yard depth, and 0.7-foot left side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1923, before the adoption of the Prince George's County Zoning Ordinance and Subdivision Regulations, contains 7,500 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling and a garage. Exhs. 3, 6, 9, and 10.

3. The Petitioner proposes to obtain a building permit the new 2-story addition, porch at entry, partially covered deck in the rear, and a workshop. Variances of 15-foot lot width at the building line, 2-foot lot width at the front street line, 3'-6' front yard depth, and 0.7-foot left side yard width are requested. Exhs. 3, 4, 5 (A) thru (F), and 13.

4. Petitioners testified that they purchased the property "as-is" and have 3 small children. The Petitioners are seeking to expand their living quarters to accommodate their growing family.

5. In light of an email received from the City of Hyattsville requesting an extension of time to review V-48-24, Administrator Watson asked the Board if it would like to move forward with hearing the merits of the case. Exh. 18.

6. Petitioners testified that they have spoken to the City of Hyattsville, supplied the information to the City, and anticipated a letter of approval. Chair Boulware found this information sufficient to move forward with discussing the merits of the case.

7. Max Webber, the previous owner of the subject property, testified that he began obtaining the necessary permits for the requested additions to the property in 2020. Further, he testified that he secured the services of contractors with Maryland licenses to submit information for permits to the Department of Permitting, Inspections, and Enforcement (DPIE); however, Mr. Webber was deployed in September of 2020.

8. On his return from deployment, Mr. Webber contacted DPIE for information pertaining to his inspections and permits; however, DPIE informed him the documents did not exist. In 2023, Mr. Webber reapplied for permits concerning the requested construction and was told he needed variances. At this point, Mr. Webber decided to sell the subject property “as-is” to the Petitioners. Exh. 1.

9. Angelique Andrea, a Real Estate Agent, testified that the Petitioners are only seeking approval for Mr. Webber’s initial proposal and are not seeking to add any changes to Mr. Webber’s initial request. Ms. Andrea further testified that the sale of the property was based on the contingency that Mr. Webber would ensure the finalization of the approval of any necessary variances.

10. The Board of Appeal staff mentioned that the site plan as submitted may have issues, and Administrator Watson mentioned that those issues could be handled after the meeting.

11. Kevin Barrett, Neighbor, testified that he did not desire the Petitioners to move or to endure more construction to remove the additions already made. He further testified that he would like the Petitioners to stay in the home as it is.

12. Vice Chair Johnston made the Motion to Hold Open for a Letter from the City of Hyattsville and Seconded by Board Member Stanton. Motion carried by a 3-0 vote.

13. Case V-48-24 appeared on the October 23, 2024, agenda as a “Discussion/Decision” item.

14. Staff presented the Board with the Letter of Approval received from the City of Hyattsville. Exh. 19.

15. Vice Chair Johnston made the Motion to Approve V-48-24 and Seconded by Board Member Stanton. Motion carried by a 3-0 vote.

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 subject property being subdivided in 1923 before the adoption of the Prince George's County Zoning Ordinance and Subdivision Regulations, the subject property is physically unique and unusual in a manner different from the nature of surrounding properties with respect to the size of the lot being smaller than surrounding neighborhoods. The particular uniqueness and peculiarity of the specific property would cause, if applied, the Petitioners to have to remove a portion of their house. Additionally, the Board concluded that these variances are minimally necessary to overcome the exceptional physical conditions found on the property. The Board reviewed the record and found that granting the relief requested would not substantially impair the intent, purpose, and integrity of the General Plan or Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property. Moreover, the testimony (written and verbal) was accepted as evidence that the variances would not substantially impair the use and enjoyment of adjacent properties. Lastly, the Board found the practical difficulty was not self-inflicted as the previous owner performed his due diligence in receiving the necessary permits to approve the subject construction; however, DPIE has no record of the information, and ownership was transferred to the Petitioners that are asking the Board to grant relief from the strict application of the Prince George's County Zoning Ordinance.

BE IT THEREFORE RESOLVED, by a 3-0 vote, that variances of 15-foot lot width at the building line, 2-foot lot width at the front street line, 3'-6" front yard depth, and 0.7-foot left side yard width on the property located at 3911 Kennedy Street, 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 3, and elevation plans Exhibit 5 (A) thru (F).

BOARD OF ZONING APPEALS

By: 

Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By: 

Keisha Garner, Esq.

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:

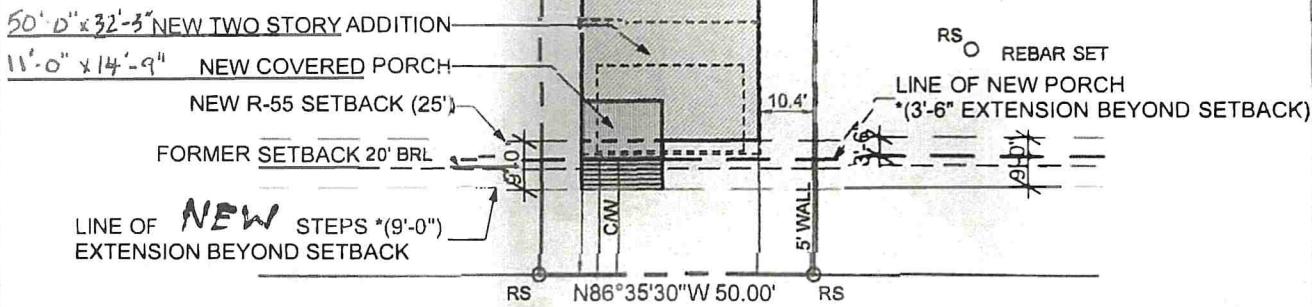
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision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

BOARD OF APPEALS

APPROVED OCT 23 2024

Ellis Watson
ADMINISTRATOR

ADDRESS: 3911 KENNEDY STREET



KENNEDY STREET
(FORMERLY SWOPE AVENUE)

50' R/W

NOTE: STEPS AND PORCHES (NOT OVER ONE STORY HIGH) MAY
EXTEND BEYOND THE FRONT BUILDING LINE UP TO NINE FEET.

NOTES:

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

DRAWN BY EF

SURVEYOR'S CERTIFICATE

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 AND BEYOND THE SETBACKS SHOWN.



PROFESSIONAL SEAL

6/13/19
DATE

LAND PRO ASSOCIATES, LLC.

8900-E GREENBELT ROAD SUITE 334
LANHAM, MD 20706
PHONE 301-368-1944
FAX 301-794-8751
LANDPRO@MAIL.COM

EXH. # 3
V-48-24

PLAT OF SURVEY
HYATTSVILLE HILLS
LOT 17 BLOCK 12
BOOK 34301 PAGE 102
PLAT BOOK 2 PAGE 64
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE 1" = 30 DATE 6/13/19

FILE # 3911 KENNEDY STREET

CASE # 82076 14W



ELEV / BUILDING SECTION KEYED NOTES

1.

CLIENT
Max and Samantha Webber
3511 Kennedy Street
Hyattsville MD 20781

ARCHITECT
CGP & Architects
2929 M Street NW
Washington DC 20007
T 202.965.7070
F 202.965.7144

STRUCTURAL ENGINEER
Linton Engineering
40590 Lake Center Plaza
T 571.232.0000
F 571.232.0590



Mark	Date	Description
01	09/11/19	Schematic Design
02	10/07/19	Permit Set
03	10/31/19	Revised Permit Set

Drawing Title: Building Section
Graphic Scale: 1" = 1'-0"
Project No.: 1916 Date: 10/31/2019
Drawing No.: A301

ELEV / BUILDING SECTION

A

B

C

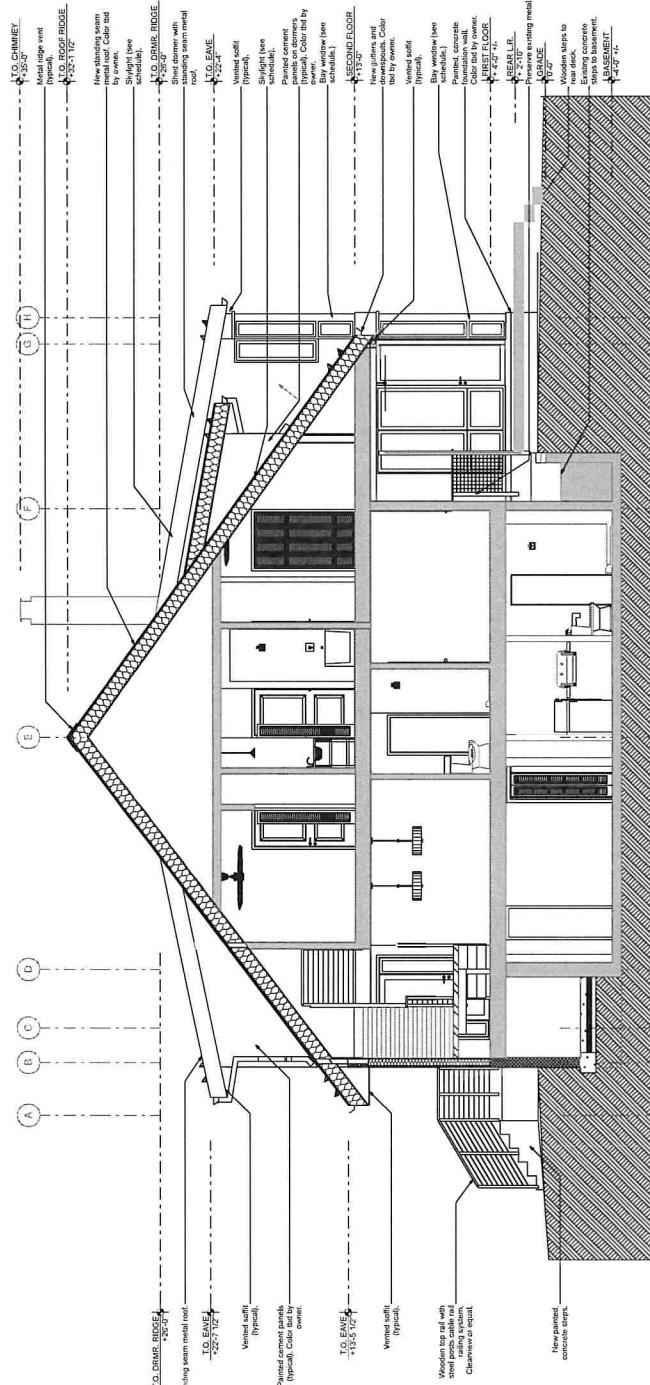
D

E

F

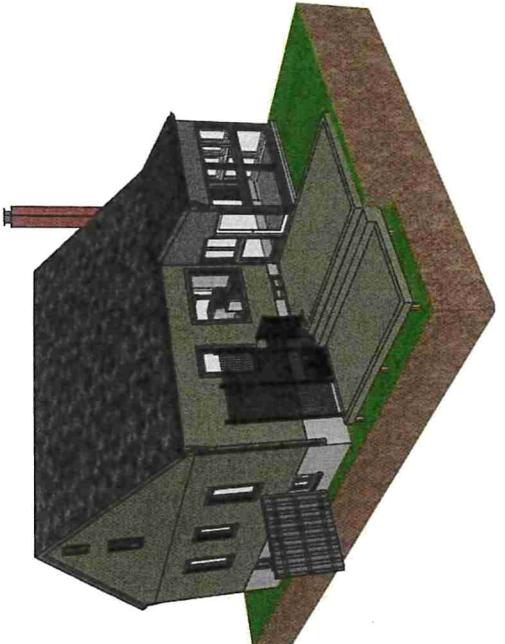
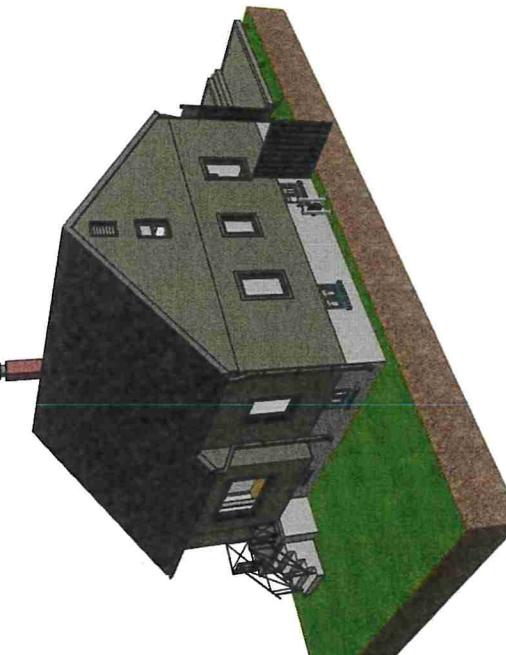
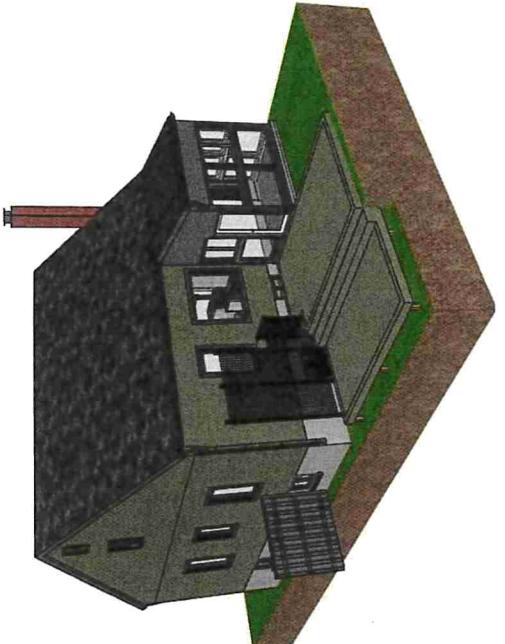
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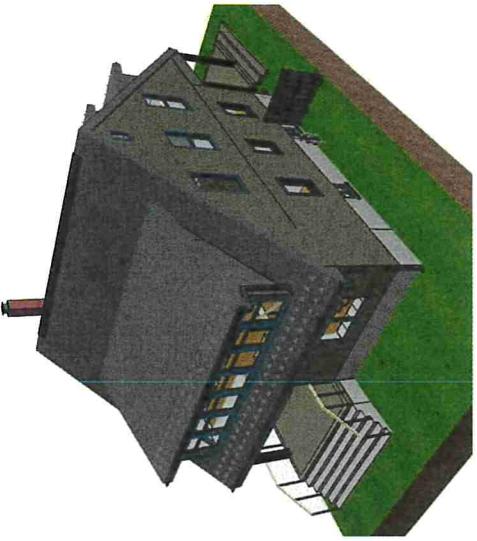
H



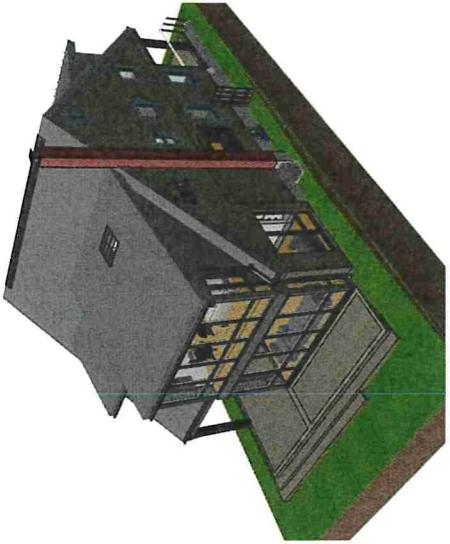
1 S-09 Building Section

SCALE 1" = 1'-0"
A301

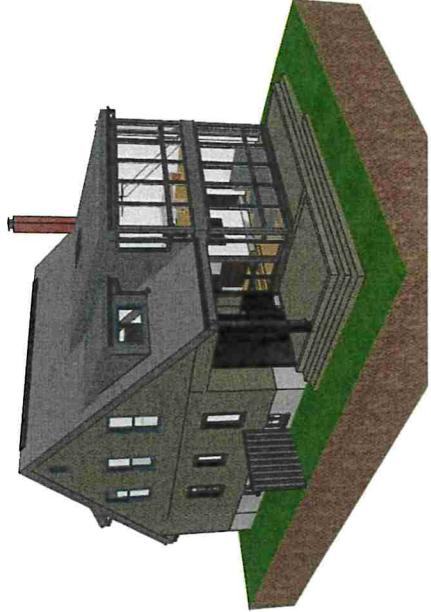
 Existing 3D Southwest Perspective 2 A903 <small>NOT TO SCALE</small>	 Existing 3D Southeast Perspective 4 A901 <small>NOT TO SCALE</small>	 Existing 3D Northeast Perspective 1 A901 <small>NOT TO SCALE</small>	 Existing 3D Northwest Perspective 3 A901 <small>NOT TO SCALE</small>	 Existing 3D Southwest Perspective 2 A903 <small>NOT TO SCALE</small>	 Existing 3D Southeast Perspective 4 A901 <small>NOT TO SCALE</small>	 Existing 3D Northeast Perspective 1 A901 <small>NOT TO SCALE</small>



1
A902
NOT TO SCALE
Exterior Front Right Perspective



3
A902
NOT TO SCALE
Exterior Rear Left Bedroom and Deck



2
A902
NOT TO SCALE
Exterior Rear Porch And Bedroom



4
A902
NOT TO SCALE
Exterior Front Perspective



Mark	Date	Description
01	09/11/19	Schematic Design
02	10/07/19	Permit Set
03	10/31/19	Revised Permit Set

Drawing Title: Proposed Exterior 3D Perspectives.
Graphic Scale: _____

Project No.: 1916 Date: 10/31/2019
Drawing No.: A902