



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-70-24 Kelly Geishauser

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 4, 2024.

CERTIFICATE OF SERVICE

This is to certify that on June 20, 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
Michael Romero, Architect

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Kelly Geishauser

Appeal No.: V-70-24

Subject Property: Lots 16 & 17, Block 7, Hyattsville Hills Subdivision, being 5408 40th Avenue, Hyattsville, Prince George's County, Maryland

Municipality: Hyattsville

Witness: Michael Romero, Architect

Heard: October 23, 2024 and Decided: December 4, 2024

Board Members Present and Voting: Omar Boulware, Chair

Phillippa Johnston, Vice Chair

Dwayne A. Stanton, Board 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 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e) prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-4202(e)(1) prescribes that a lot shall have a minimum width of 65 feet at the building line, and no more than 35% of the net lot area shall be covered by buildings and off-street parking. Variances of 720 square feet net lot area, 8.7 feet, and 3% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1922, before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, contains 5,780 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling, a deck, and a porch. Exhs. 3, 5, 6 (A) thru (H), 7, 8, and 9 (A) thru (F).

2. The Petitioner proposes to validate existing conditions (net lot area and lot width) and obtain a building permit for the extension of the driveway toward the proposed garage. Variances of 720 square feet net lot area, 8.7 feet, and 3% net lot coverage are requested. Exhs. 2, 3, 4, 6 (A) thru (G), and 9 (A) thru (F).

3. The Architect, Mr. Romero, testified that the subject property was in the Hyattsville Hills area. Exh. 1.

4. Further, Mr. Romero testified that the Petitioner's garage was located in the rear of the house and had an extremely long driveway. Additionally, Mr. Romero explained to the Board that the Petitioner's house sits further back than most other properties in the RSF Zone, and that typical houses sit 25 feet back from the property line, the Petitioner's house sits 34 feet back. Exh. 3.

5. Mr. Romero also mentioned that the house and most likely the garage were built in 1924, and subsequent construction caused other non-conforming aspects to reside on the subject property.

6. Mr. Romero testified that the proposed garage would be built in the same space as the existing garage.

7. Mr. Romero brought to the Board's attention that, pursuant to the County Code, the Petitioner must maintain the long driveway to have access to the garage located in the back of the house.

8. Further, Mr. Romero informed the Board that neighbors provided letters of support for the proposed construction, and the proposed garage will not substantially impact the neighbors' use and enjoyment of their properties. Exh. 17.

9. Further, Mr. Romero pointed out that the site conditions, including the placement of the house and garage, predate the Petitioner's ownership of the property.

10. Chair Boulware asked Mr. Romero if the subject property was in the jurisdiction of the City of Hyattsville. Mr. Romero answered in the affirmative. Chair Boulware wanted to see the letters of support from neighbors as well as the City of Hyattsville position on the proposed construction. Chair Boulware suggested a motion to hold this case open until the information was received.

11. Vice Chair Johnston made the Motion to Hold Open V-70-24, and the Motion was seconded by Board Member Stanton. Motion carried by a 3-0 vote.

12. At the December 4, 2024 Hearing, the Board was satisfied with the information received from the Petitioner and the City of Hyattsville. Exhs. 17 and 18.

13. Vice Chair Johnston made the Motion to Approve, and the Motion was seconded by Board Member Stanton. Motion carried by a 3-0 vote.

Applicable Code Sections 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 1922 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 because the setback found on typical RSF properties in the neighborhood is not the setback found on the Petitioner's property. Because of the particular uniqueness and peculiarity of the specific property, the Ordinance, if applied, would not allow the Petitioner to have street access to his garage located in the back of the subject property. 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, there was no evidence presented or contained in the record that the variances would substantially impair the use and enjoyment of adjacent properties, and the Petitioner provided an approval letter from the City of Hyattsville that was considered by the Board. Lastly, the Board found the practical difficulty was not self-inflicted due to the Petitioner not commencing construction before seeking a variance.

BE IT THEREFORE RESOLVED, by a 3-0 vote, that variances of 720 square feet net lot area, 8.7 feet, and 3% net lot coverage on the property located at 5408 40th Avenue, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3, and approved elevation plans, Exhibit 4.

BOARD OF ZONING APPEALS

By: 
Omar Boulware (Jun 4, 2025 20:05 EDT)
Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By: 
Keisha A. 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.

ADMINISTRATOR

EXH. # 3
V-70-24

SP1

BOARD OF APPEALS

APPROVED DEC - 4 2024

Ellis Watson

ADMINISTRATOR

ELEVATION KEYNOTES:

- 1 30 YR. ASPHALT SHINGLE ROOFING
- 2 DUTCH LAP VINYL SIDING - MATCH EXISTING
- 3 NEW 1/4" PVC HINDON TRIM ON TOP/SIDES WITH 2" HISTORIC SILL
- 4 1/4" PVC CORNER BOARD
- 5 ATTIC HINDON - CONSULT OWNER

ROMERO ARCHITECTS, LLC
4006 GALLATIN STREET
HYATTSVILLE MD 20781
202-436-2200
info@romeroarchitects.com



REVISIONS:

- 03.13.24 P-1 PATTERN C/ROOFING
- 04.08.24 P-2 PATTERN C/ROOFING
- 05.12.24 P-3 PATTERN C/ROOFING
- 05.22.24 P-4 PATTERN C/ROOFING
- 08.29.24 P-5 PATTERN C/ROOFING
- 09.03.24 P-6 PATTERN C/ROOFING

GEISHAUSER RESIDENCE
DETACHED GARAGE
5408 40TH AVENUE | HYATTSVILLE MD | 20781

PROFESSIONAL CERTIFICATION:
I, ROMERO, HERBERT, HERBERT
CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I
AM A FULLY LICENSED ARCHITECT
UNDER THE LAWS OF THE STATE
OF MARYLAND. LICENSE NO.
10044. EXPIRATION DATE: JULY 16, 2024

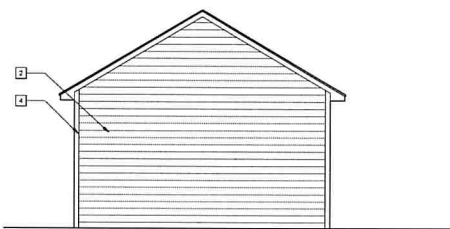
DATE	DESCRIPTION
03.13.24	SCHEMATIC DEVELOPMENT
04.08.24	SCHEMATIC DEVELOPMENT
05.12.24	SCHEMATIC DEVELOPMENT
05.22.24	SCHEMATIC DEVELOPMENT
08.29.24	SCHEMATIC DEVELOPMENT
09.03.24	SCHEMATIC DEVELOPMENT

DRAWN BY
MJP
PROJECT NUMBER
23106

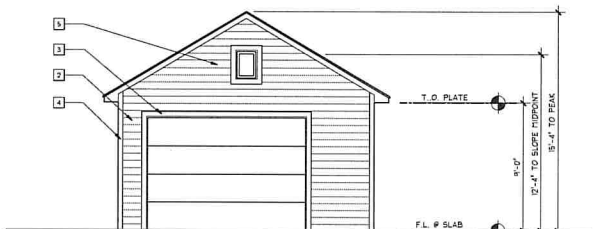
EXTERIOR
ELEVATIONS

EXH. # 4
V-70-24

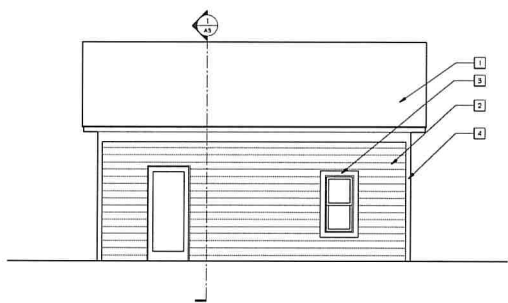
A2



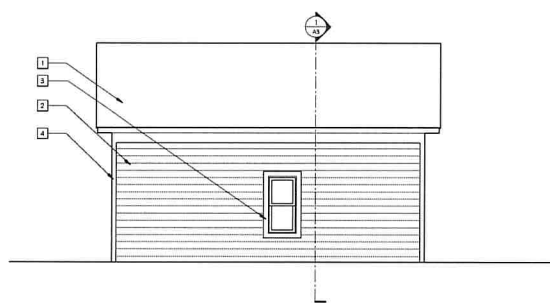
1 PROPOSED REAR (WEST) ELEVATION
A2 1/4" = 1'-0"



2 PROPOSED FRONT (EAST) ELEVATION
A2 1/4" = 1'-0"



3 PROPOSED SIDE (NORTH) ELEVATION
A2 1/4" = 1'-0"



4 PROPOSED SIDE (SOUTH) ELEVATION
A2 1/4" = 1'-0"