

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-77-16 Dream Builders of America, LLC

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: July 27, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on August 15, 2016 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed) _____
Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Hyattsville
Other Interested Parties

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

Petitioner: Dream Builders of America, LLC

Appeal No.: V-77-16

Subject Property: Lot 19, Block 3, Hyattsville Hills Subdivision, being 4023 Ingraham Street, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Counsel for Petitioner: Samuel Hamilton, Esq.

Witness: Juanita Gray, Dream Builders of America, LLC

Heard and Decided: July 27, 2016

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
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 variances 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 variances from Section 27-442(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(d) (Table III), which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line; and Section 27-442(e)(Table IV), which prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 5 feet in width. Petitioner proposes to validate existing conditions and widen the existing covered front porch. Variances of 340 square feet net lot area, 10 feet front building line width, 13 feet front yard depth and 1 foot side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1922, contains 4,660 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1950. Exh. 8.
2. The property is located within the Gateway Arts District Development Overlay Zone and within the municipal limits of the City of Hyattsville. Exh. 9.
3. The property is narrow, being only 40 feet wide. Exh. 2.
4. Petitioner would like to construct an 8' x 11' addition on an existing covered front porch (Exh. 2), but variances are required to obtain a building permit. Since the existing porch and proposed porch addition would be located 12 feet from the front street line and the left side of the dwelling is located 4 feet from the side lot line, variances of 13 feet front yard depth and 1 foot side yard width were requested. Exh. 12.
5. In addition, because the size and width of the subject property do not meet current minimum requirements, variances of 340 square feet net lot area and 10 feet front building line width were also requested to validate those conditions. Exh. 12.

6. Counsel for Petitioner stated that most of the houses in the neighborhood have front porches extending across the entire front of the house. *See* Exhs. 23(A) thru (D). Counsel pointed out that the existing porch on the subject house now extends across only half of the front of the house. Exhs. 5(A) and (B). Counsel believes the proposed extension of the porch will improve the appearance of the property and conform to the neighborhood.

7. Juanita Gray testified that of the 32 homes in the neighborhood only hers is without a full front porch. She added that another reason she would like to widen the porch is to avoid the appearance of a duplex.

8. The City of Hyattsville stated that it had no comment on the matter. Exh. 16.

9. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and commented as follows: Exhibit 2 correctly reflects the bearings and distances, lot size and 20-foot building restriction line (BRL) shown on record plat. The proposed covered porch encroaches into the BRL. If the Board of Zoning Appeals grants the requested variances for the proposed covered porch, the applicant should be required to submit a minor final plat (pursuant to Section 24-108 of the Subdivision Regulations) to have the existing BRL removed prior to building permit. A minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park and Planning Commission. Exh. 20.

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 property being subdivided in 1922, the size and width of the lot not meeting current requirements for the R-55 Zone, the house being built many years ago, the existing porch not meeting the current front street setback requirement, the proposed widening of the porch not extending any farther into the front setback, 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, unanimously, that variances of 340 square feet net lot area, 10 feet front building line width, 13 feet front yard depth and 1 foot side yard width in order to validate existing conditions and construct an 8' x 11' extension to the existing covered front porch on the property located at Lot 19, Block 3, Hyattsville Hills Subdivision, being 4023 Ingraham Street, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) and (b). Prior to the issuance of any building permit, a minor final plat must be prepared by an

appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park and Planning Commission, in accordance with Section 24-108 of the Subdivision Regulations, to adjust and/or remove the building restriction line.

BOARD OF ZONING APPEALS

By: (Original Signed)
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.