

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-75-16 Jose Sorto and Maria Medrano

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: September 28, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on October 24, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
City of Hyattsville
Ernesto Luna, Spanish Language Interpreter

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

Petitioners: Jose Sorto and Maria Medrano

Appeal No.: V-75-16

Subject Property: Lot 18, Block G, Queens Chapel Manor Subdivision, being 5808 31st Avenue,
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Spanish Language Interpreter: Ernesto Luna

Heard: September 7, 2016; Decided: September 28, 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, Petitioners request that the Board approve variances 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 and a side yard 9 feet in width, and Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate existing conditions and obtain a building permit to complete construction of a shed. Variances of 3 feet front yard depth, 8 feet side yard width and 1.2% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1946, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1949. Exh. 7.

2. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 8.

3. The property is regular in its shape and size. Exhs. 4 and 9(A).

4. Petitioners would like to obtain a building permit for a 12' x 24' shed in the rear yard, but variances are needed to obtain the permit. Since construction of the shed would cause the allowed amount of net lot coverage (30%) to be exceeded, a variance of 1.2% net lot coverage was requested. Exhs. 12 and 13.

5. Variances are also needed to validate certain existing conditions on the property in order to obtain a permit to construct the shed. Since the existing covered front porch is located 22 feet from the front street line and the existing covered side porch is located 6 feet from the right side lot line, variances of 3 feet front yard depth and 8 feet side yard width were also requested. Exh. 13.

6. Petitioner Jose Sorto testified that he built the shed without a permit and received a warning notice from the City of Hyattsville. Exh. 20.

7. He further testified that the shed is used to store cooking supplies/equipment and equipment for his landscaping business.

8. The City of Hyattsville provided no comment on the request. 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 do not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioners' lot has no exceptional topography or other conditions peculiar to the property. The Board further finds that the lot is regular in its size and shape and no evidence of any extraordinary situation or uniqueness of the lot was presented.
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that variances of 3 feet front yard depth, 8 feet side yard width and 1.2% net lot coverage in order to existing conditions and obtain a building permit to complete construction of a 12' x 24' shed on the property located at Lot 18, Block G, Queens Chapel Manor Subdivision, being 5808 31st Avenue, Hyattsville, Prince George's County, Maryland, be and are hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.