

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-81-16 Melissa Ho and Alexander Williams

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 7, 2016 .

**CERTIFICATE OF SERVICE**

This is to certify that on September 23, 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  
Town of University Park

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

Petitioners: Melissa Ho and Alexander Williams

Appeal No.: V-81-16

Subject Property: Lot 7, Block 9, University Park Subdivision, being 6503 Queens Chapel Road,  
Hyattsville, Prince George's County, Maryland

Municipality: Town of University Park

Witness: Thomas Ahmann, Ahmann LLC

Heard and Decided: September 7, 2016

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
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, Petitioners request 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 rear yard at least 20 feet in depth/width, and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard. Petitioners propose to construct a two-story addition on a crawl space, lean-to shed, enclosed front entry and covered areaway. A variance of 4 feet rear yard depth/width and a variance of 4.5 feet front street line setback and waiver of the rear yard location requirement for an accessory building are requested.

**Evidence Presented**

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

1. The property was subdivided in 1924, contains 6,174 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 1940. Exh. 7.
2. The property is unusually shaped with an angled rear property line. Exh. 2.
3. Petitioners would like to construct an 11.5' x 26' two-story addition (on a crawl space) on the rear of the dwelling, 3.7' x 5' lean-to shed on the side of the addition, 4' x 7' enclosed front entry and 3.5' x 6.7' covered areaway, but variances are needed to obtain a building permit. Since the addition would be located 16 feet from the rear lot line at the closest point and the shed will be located in the side yard 55.5 feet back from the front street line, a variance of 4 feet rear yard depth/width for the addition and a variance of 4.5 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exh. 10.
4. Petitioner Alexander Williams testified that he has lived at the property for 7 years. He explained that the proposed expansion will enlarge the existing kitchen, add a screened porch on the first floor, enlarge two existing bedrooms and add an additional bathroom on the second floor.
5. Thomas Ahmann, Petitioners' architect, testified as follows: The subject property has an exceptional shape, being trapezoidal, with exceptional shallowness on the southwest property line. This

exceptional shape and shallowness were created in the platting of the lots by the non-orthogonal intersection of Tuckerman Street (platted as Monroe Avenue) and Queens Chapel Road (platted as University Boulevard). The southwest property line has a length of only 78.04 feet, which is a considerably shallower lot depth than the majority of the lots in the subdivision. Many of the more regularly shaped lots have a depth of 150 feet or greater, nearly double that of the southwest side of the subject property. Exh.14.

6. Mr. Ahmann further stated: All the spaces created by the addition are modest in dimension and are typical of other houses in the neighborhood. The existing kitchen and two of the three bedrooms are quite small by modern standards, there is only one bathroom available other than in the basement and there is no direct yard access from the first floor. All of these shortcomings are addressed by the proposed expansion and strict application of the rear yard setback requirement would result in an undue hardship to the owners of the property. As the exceptional shape of the property and shallowness of the southwest property line impacts the usable space of the rear yard, the proposed location of the attached shed at the southwest side of the house allows for full use of the rear yard for gardening and outdoor life that would otherwise be limited. Exh. 14.

7. Mr. Ahmann further stated: As the existing house together with the proposed addition maintains modest residential dimensions, the residence will remain of the relative scale of other houses in the neighborhood. The uses proposed for the additional spaces are consistent with uses found in other residences in the neighborhood. The average rear yard [setback] proposed is 20.5 feet, which is consistent with the intent of the ordinance. The footprint of the portion of the addition which extends beyond the required rear yard setback totals only about 25 square feet, which is less than the footprint of a full size mattress. The proposed shed will be physically and structurally integrated with the house, and in that sense is not truly an accessory building but rather an extension of the house. The position of the shed meets all the setback requirements of the main dwelling. With the exception of meeting the rear yard requirement, and the location and setback requirement of the attached shed, the house together with the proposed additions maintains compliance with all other requirements imposed on a one-family detached dwelling in the R-55 Zone. Exh. 14.

8. A letter in support of the request was signed by six neighbors. See, Attachment to Exh. 14.

9. The Town of University Park supported the request. Exh. 16.

10. The Historic Preservation Section of M-NCPPC commented that the subject property is located within 0.5 mile of Bloomfield House (Historic Site 66-029-05) and Paxton House (Historic Site 68-076), and the variance request will have no effect on Historic Sites, Historic Resources or Historic Districts. 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 comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the unusual shape of the property, the angle of the rear property line causing a shallow rear yard on the right side, the need for additional living space, the need for direct yard access from the first floor,

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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Vice Chairman Scott absent, that a variance of 4 feet rear yard depth/width and a variance of 4.5 feet front street line setback and waiver of the rear yard location requirement for an accessory building in order to construct an 11.5' x 26' two-story addition on a crawl space at the rear of the dwelling, 3.7' x 5' lean-to shed on the side of the addition, 4' x 7' enclosed front entry and 3.5' x 6.7' covered areaway on the property located at Lot 7, Block 9, University Park Subdivision, being 6503 Queens Chapel Road, 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 plan, Exhibit 3.

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.