

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-84-16 Denis D'Rozario and Ratna Rozario

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 28, 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

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

Petitioners: Denis D'Rozario and Ratna Rozario

Appeal No.: V-84-16

Subject Property: Lot 11, Block 9, College Heights Estates Subdivision, being 7213 Adelphi Road,
Hyattsville, Prince George's County, Maryland

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 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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking, and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from the rear lot line. Petitioners propose to validate an existing condition and construct a covered patio and storage room. Variances of an additional 2.1% net lot coverage and 1 foot rear lot line setback 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 1955, contains 10,490 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, detached carport and shed. Exhibits ("Exhs.") 2, 4, 9 and 10. The dwelling was built in 1953. Exh. 9.

2. Petitioners would like to construct a 9' x 17.5' covered patio and 8.9' x 9' storage room on the rear of the existing dwelling, but variances are needed to obtain a building permit. Since the allowed amount of net lot coverage (30%) is already exceeded by existing development and the proposed structures increase that amount, an additional 2.1% net lot coverage was requested.¹ Exhs. 13 and 14.

3. A variance is also needed to validate the location of the detached carport. Since the carport is located 1 foot from the rear lot line, a variance of 1 foot rear lot line setback for an accessory building was requested. Exh. 14.

4. Petitioner Denis D'Rozario testified that he would like to put a roof over their existing patio at the back of the house and enclose a small area to create a storeroom at one end. *See* Exhs 2 and 21.

5. Petitioner Ratna Rozario testified that she is a daycare provider and she needs the storeroom for storage. She stated that the roof over the patio will provide more shaded play area for the children. She explained that there is already lot coverage excess because driveway dimensions were only estimated on the previously approved site plan. *See* Exh. 6 and attachments. *See also* Exh. 13.

¹ The Board approved a variance for net lot coverage in 2015 (Appeal No. V-90-15) to allow replacement of an existing driveway. Exh. 6.

6. Letters in support of the request from three daycare customers were submitted into the record. Exhs. 22(a) thru (c).

7. The Historic Preservation Section of M-NCPPC commented that the subject property is located within the College Heights National Register Historic District (66-030-00), is within 0.5 mile of Ash Hill (Historic Site 68-001), and the variance request will have no effect on Historic Site, Historic Resources or Historic Districts. Exh. 18.

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 need for additional shaded play area and enclosed storage area for items related to the daycare use which operates on the property, validation of an existing condition being necessary to obtain a building permit, 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 variances of an additional 2.1% net lot coverage and 1 foot rear lot line setback for an accessory building in order to validate an existing condition and construct a 9' x 17.5' covered patio and 8.9' x 9' storage room on the property located at Lot 11, Block 9, College Heights Estates Subdivision, being 7213 Adelphi 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 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.