

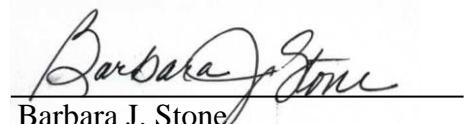
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-91-17 Catalina Quinteros

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 13, 2017.

CERTIFICATE OF SERVICE

This is to certify that on September 29, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Barbara J. Stone
Administrator

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

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

Petitioner: Catalina Quinteros

Appeal No.: V-91-17

Subject Property: Lot 12, Block 18, Hyattsville Hills Subdivision, being 4204 Kennedy Street, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Douglas Rodriguez, Petitioner's Husband

Heard: August 23, 2017; Decided: September 13, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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, Petitioner requests 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 front yard at least 25 feet in depth. Petitioner proposes to validate an existing condition, construct an enclosed front porch and obtain a building permit for an enclosed storage area. A variance of 4 feet front yard depth is requested.

Evidence Presented

1. The property was re-subdivided in 1922 and in 1925, contains 7,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is located within the Gateway Arts District Development Overlay Zone. Exhibits (Exhs.) 2, 4, 7 and 9 (A) thru (F).

2. Petitioner would like to obtain a permit for an 8' x 5' storage area and construct an 8' x 21' enclosed front porch. The existing covered front porch is located 21 feet from the front street line. A variance of 4 feet front yard depth is requested. Exhs. 2, 3 (a) thru (b), 5 (A) thru (D).

3. Petitioner testified that that she would like to enclose the existing covered front porch to provide her children a secure area to play and to store the children's toys. The covered front porch was initially constructed with the existing dwelling in 1921. Exh 7.

4. Ms. Quinteros further testified that several houses in the immediate area have enclosed front porches and submitted photographs demonstrating the porches. Exhs. 20 (A) thru (M).

5. She testified that construction of the storage area has already begun. Exhs. 2, 3 (a) thru (b) and 6. The entrance door will be a glass and wood French door. Exh. 21. She stated that the left portion of the storage area will be enclosed to store toys and the remaining space will be a play area.

6. The City of Hyattsville posed no comment on the variance. 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the covered front porch being constructed with the existing dwelling in 1921, enclosure of the porch providing security for the children, the need for a secure area to store toys 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, by majority vote, Ms. Anastasia Johnson absent, that a variance of 4 feet front yard depth to validate an existing condition, construct an 8' x 21' enclosed front porch and obtain a building permit for an 8' x 5' enclosed storage area on the property located at Lot 12, Block 18, Hyattsville Hills Subdivision, being 4204 Kennedy Street, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (b).

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.