

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-120-16 Son Nguyen and Hoa Tran

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: November 9, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on November 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
City of Hyattsville
Other Interested Parties

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

Petitioners: Son Nguyen and Hoa Tran

Appeal No.: V-120-16

Subject Property: Lot 7, Block 20, Queens Chapel Manor Subdivision, being 3513 Nicholson Street,
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Thomas Middleton, nephew of Son Nguyen

Heard: October 26, 2016; Decided: November 9, 2016

Board Members Present and Voting: 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 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 an existing condition and construct a covered front porch. Variances of 10 feet front yard depth and 3.1% net lot coverage¹ are requested.

Evidence Presented

1. The property was subdivided in 1947, contains 6,300 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1952. Exh. 7.
2. The property is located within the Gateway Arts District Development Overlay Zone. Exh. 8.
3. The property narrows slightly from front to rear. Exh. 2.
4. Petitioners would like to construct an 11' x 16' covered front porch (Exh. 2), but variances are needed to obtain a building permit. Since the porch would be located 15 feet from the front street line, a variance of 10 feet front yard depth was requested. Exh. 11.
5. In addition, since the allowed amount of net lot coverage (30%) is already exceeded by existing development on the property and construction of the covered porch would be further overage, a variance of 1.5% net lot coverage was also requested. Exhs. 10 and 11.
6. Petitioner Son Nguyen testified that he has lived at the property since 2014.
7. Thomas Middleton testified that the house is unique in that its concrete stoop next to the front door is a bit larger than the stoops on neighboring properties, but is the only one that does not have a cover. He stated that a cover is needed for protection from the weather and provide a place for the family to sit and enjoy the outdoors. He further stated that the uncovered concrete gets icy in the winter. He explained the size (footprint) of the existing open uncovered concrete porch will not change.
8. The City of Hyattsville supported the request. Exh. 21.

¹ Petitioner Son Nguyen agreed to remove one shed (the oldest) and revised the site plan. Exh. 19. Removal of the shed resulted in the need for a smaller variance of 1.5% net lot coverage. 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 1947, existing conditions on the property, the need for protection from the weather, Petitioners' stoop being the only one uncovered among neighboring properties, 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, unanimously, that variances of 10 feet front yard depth and 1.5% net lot coverage in order to validate an existing condition and construct an 11' x 16' covered front porch on the property located at Lot 7, Block 20, Queens Chapel Manor Subdivision, being 3513 Nicholson 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 revised site plan, Exhibit 19, and the approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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.