

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-142-16 Raymond and Patricia Weil

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 30, 2016.

CERTIFICATE OF SERVICE

This is to certify that on December 13, 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

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

Petitioner: Raymond and Patricia Weil

Appeal No.: V-142-16

Subject Property: Part of Lot 4, Northwest Hyattsville Subdivision, being 3816 Nicholson Street,
Hyattsville, Prince George's County, Maryland

Heard and Decided: November 30, 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 a variance from Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioners propose to validate existing conditions and repair/renovate and enlarge an existing shed. Variances of 2 feet side and rear lot line setbacks for an accessory building are requested.

Evidence Presented

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

1. The property contains 6,630 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway strips and a shed. Exhibits (Exhs.) 2, 5, 7 10 and 11.
2. The property was subdivided into 1913 but was created as it exists today by deed in 1936
3. Petitioners would like to repair/renovate, enlarge and increase the height of the existing shed in the rear yard (Exhs. 2, 4(a) thru (e)), but variances are needed to obtain a building permit. Since the shed extends to the side and rear lot lines, variances of 2 feet side and rear lot line setbacks for an accessory building were requested. Exh. 14.
4. Petitioner Raymond Weil explained the house was built 1906 (110 years old) and the garden house/shed was built in the 1920's. He stated that the shed is in disrepair. Exhs. 4(a) thru (e), 6(A) thru (D) and 10. He also stated that there is insufficient storage space in the house as the dwelling has no closets and a dirt cellar.
5. He also stated that for the renovation they will be using the existing walls, installing wooden pillars, improving the foundation, and insulating and raising the roof (flat) to 15 feet. Exh. 3.
6. He stated that he would like to renovate the shed to make it his work shop.
7. The City of Hyattsville has no comment on the proposal. Exh. 19.

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 lack of storage space in the 110 year old house, the house having no closets and a dirt cellar, the shed being very old and in need of major repairs, 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 2 feet side and rear lot line setbacks for an accessory building in order to validate existing conditions and repair/renovate and enlarge an existing 10.5' x 20.28' shed on the property located at Part of Lot 4, Northwest Hyattsville Subdivision, also being 3816 Nicholson Street, 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.