

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-150-16 Toribio and Elupina Mesa

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: January 11, 2017.

**CERTIFICATE OF SERVICE**

This is to certify that on January 30, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone  
Acting Administrator

cc: Petitioners  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
Town of Edmonston

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

Petitioners: Toribio and Elupina Mesa

Appeal No.: V-150-16

Subject Property: Part of Lots 4A & 6 B, Block G, East Hyattsville (unrecorded), being 4810 52<sup>nd</sup>  
Avenue, Hyattsville, Prince George's County, Maryland

Municipality: Town of Edmonston

Witness: Alandra Mesa (daughter)

Heard and Decided: January 11, 2017

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 variances from Section 27-442(e)(Table IV), which prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 7 feet in width, 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 existing conditions and enclose an existing covered front porch. Variances of 7 feet front yard depth, 1.5 feet side yard width and .5% net lot coverage are requested.

**Evidence Presented**

1. The property contains 7,450 square feet, is zoned R-55 (One Family Detached) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 5, 6, 11 and 13(A) thru (H).

2. The property was originally created by an unrecorded subdivision plat (East Hyattsville) done in 1903, but a deed recorded in 1946 created the property as it exists today. Exhs. 4, 5 and 6.

3. Petitioners would like to enclose the existing 7'10" x 24'3" covered front porch. The porch is located 18 feet from the front street line, an existing landing on the right side of the dwelling is located 5.5 feet from the side lot line and the existing development on the property exceeds the amount of lot coverage allowed. Variances of 7 feet front yard depth, 1.5 feet side yard width and .5% net lot coverage<sup>1</sup> were requested, respectively. Exhs. 2, 3 and 16.

4. Petitioner testified that he would like to place windows in the openings, completely enclosing the porch, where his wife will be caring for her plants. Exhs. 2, 3 and 7.

5. Petitioner testified that neighbors agreed with the covered front porch proposal.

6. The Subdivision Section of the Maryland-National Capital Park & Planning Commission submitted comments stating: "The property was legally subdivided pursuant to Section 24-107(c) (7) (A)." and "There would be no impediment to the approval of a building permit related to the subject property and there are no subdivision issues." Exh. 21.

8. The Town of Edmonston had no objection to granting of the variances. Exh. 21.

**Applicable Code Section And Authority**

---

<sup>1</sup> Relative to pre-existing use of net lot coverage, Petitioners obtained building permit 27194-2004 for a 25'6" x 27'6"/2' x 16' one-story addition, which was issued on 8/19/04 and inspected in 2006. Exhs. 2, 9 and 10.

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 does/does not comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the need to validate existing conditions (including the pre-existing location of the uncovered porch) 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 7 feet front yard depth, 1.5 feet side yard width and .5% net lot coverage in order to validate existing conditions and enclose an existing covered front porch on the property located at Part of Lots 4A & 6 B, Block G, East Hyattsville (unrecorded), being 4810 52<sup>nd</sup> Avenue, 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.