

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-159-16 Adam Weissmann and Eva Schildhause

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: February 8, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on February 16, 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
City of Hyattsville

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

Petitioners: Adam Weismann and Eva Schildhause

Appeal No.: V-159-16

Subject Property: Lot 36, Block F, Wine & Johnson's 2nd Addition to Hyattsville Subdivision, being 4207
Jefferson Street, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Matthew Kulp, Contractor

Heard: January 25, 2017; Decided: February 8, 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(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 5 feet from an alley line. Petitioners propose to validate an existing condition and construct a two-story addition. Variances of 3.2% net lot coverage and 1 foot setback from an alley 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 1884, contains 6,300 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. The property is located within the Gateway Arts District Development Overlay Zone. Exhibits (Exhs.) 2, 4, 10 and 11.
2. Petitioners would like to construct a 12.1' x 27.2'/6' x 13' two-story addition on the rear of the existing dwelling. Construction of the addition would exceed the amount of lot coverage allowed. A variance of 3.2% net lot coverage was requested. Exhs. 2, 3 and 15.
3. At the rear of the property is an existing detached garage located 4 feet from the alley line. A variance of 1 foot setback from the alley for that accessory building was requested. Exhs. 2, 5 (C), 12 (A) thru (F),
4. Petitioner Adam Weismann testified that the subject property was purchased in 2012. Exh. 10.
5. The dwelling, a very small Victorian home, was built in 1911. Exhs. 2 and 10.
6. Mr. Weismann testified that the house is insufficient to meet the current living needs, in addition Mr. and Mrs. Weismann are planning on starting their family. Exhs. 2, 5 (A) thru (C).

7. Mr. Weismann further testified the proposed addition is for a master bedroom upstairs and a living room downstairs. He described the house currently as having two small bedrooms, one is used for an artist studio for his wife (Eva Schildhause) and the second is used for his office. He stated that with the addition, the office will move downstairs into the current living room. Exhs. 2, 5 (A) thru (C).

8. The Petitioner testified that the addition would not be out of character for the neighborhood. Exh. 12 (A) thru (F). He stated that he discussed the proposed addition with several neighbors, all of whom were in agreement with the addition. Exhs. 2, 3, 6 (A) thru (B).

9. The City of Hyattsville voted unanimously to support the requested variances. 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 owners 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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the house, built in 1911, currently having only two very small bedrooms, the need for additional square footage for a growing family and other family needs, 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 3.2% net lot coverage and 1 foot setback from an alley for an accessory building in order to validate an existing condition and construct a 12.1' x 27.2'/6' x 13' two-story addition on the property located at Lot 36, Block F, Wine & Johnson's 2nd Addition to Hyattsville Subdivision, being 4207 Jefferson 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 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.