

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-10-17 Daysi Sorto

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: April 12, 2017.

CERTIFICATE OF SERVICE

This is to certify that on April 25, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Hyattsville
Ernesto Luna, Spanish Language Interpreter

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

Petitioner: Daysi Sorto

Appeal No.: V-10-17

Subject Property: Lot 4, Northwest Hyattsville Subdivision, being 3813 Oglethorpe Street, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Spanish Interpreter Services: Ernesto Luna

Heard: March 8, 2017 and Decided: April 12, 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, Petitioner requests 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; 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 2 feet from the rear lot line. Petitioner proposes to validate existing conditions and obtain a building permit for a new concrete driveway. Variances of 4 feet front yard depth for the dwelling, 22% net lot coverage and a variance of 1 foot rear lot line setback for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1913, contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. Exhibits (Exhs.) 2, 3, 4 (A) thru (H) and 7.

2. Petitioner would like to obtain a building permit for a 10' x 66' concrete driveway. As the existing development exceeds the amount of lot coverage allowed, a variance of 22% net lot coverage was requested. Exhs. 2, 4 (A) thru (H), 12 and 13.

3. The existing covered front porch is located 21 feet from the front street line and the detached garage is located 1 foot from the rear lot line. Variances of 4 feet front yard depth for the dwelling and 1 foot rear lot line setback for an accessory building were requested. Exhs. 2, 4 (A) thru (H) and 13.

4. Petitioner testified that the 4-foot fence and a driveway were built without permits. Exhs. 2 and 4 (A) thru (H).¹

¹ The City of Hyattsville's Office of Code Compliance issued a warning notice on January 30, 2017 informing Petitioner, inter alia, that the perimeter fence and driveway required permits from both the City and the County. Exh. 5

5. Petitioner explained that the new concrete driveway was constructed over an existing macadam driveway that was cracked and in disrepair. She further explained that she did lengthen the driveway from the original driveway. Exh. 2 and 4 (A) thru (H).

6. The City of Hyattsville provided no position on the variance request. Exh. 20

7. Petitioner wishes to legalize any improvements made to her property with out proper permits. Exh. 2 and 4 (A) thru (H).

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 existing development, the existing driveway being in disrepair 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, unanimously, that variances of 4 feet front yard depth for the dwelling, 22% net lot coverage and a variance of 1 foot rear lot line setback for an accessory building in order to validate existing conditions and obtain a building permit for a new concrete driveway on the property located at Lot 4, Northwest Hyattsville Subdivision, being 3813 Oglethorpe 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.

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.