

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-11-17 Gloria Stovall

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: March 8, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on April 6, 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

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

Petitioner: Gloria Stovall

Appeal No.: V-11-17

Subject Property: Lots 30, 31 & 32, Block 2, Highland Park Subdivision, being 1211 Gondar Avenue,
Hyattsville, Prince George's County, Maryland

Witness: Mohammad Pourshian, Permit Express

Heard and Decided: March 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, 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 side yard at least 8 feet in width 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 an existing condition and construct an attached garage and driveway extension. Variances of 3.6 feet side yard width for the dwelling and 2 feet rear lot line setback for an accessory building (shed) are requested.

Evidence Presented

1. The property was subdivided in 1913, contains 8,250 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3 (a) thru (c), 4, 5 (A) thru (D) and 7.
2. Petitioner would like to construct a 16' x 22' attached garage and expand the existing driveway at the entrance of the proposed garage. The garage would be located 4.4 feet from the side lot line. A variance of 3.6 feet left side yard width was requested. Exhs. 2, 3 (a) thru (c).
3. An existing shed is located on the rear lot line for which a variance of 2 feet rear lot line setback for an accessory building was requested. Exh. 2.
4. Petitioner explained that she has resided in the dwelling for 27 years and would like to construct an attached garage on the left side of the dwelling for protection from the weather. Exhs. 2, 3 (a) thru (c), 4, and 5 (A) thru (D).
5. A portion of the driveway will be extended to allow full access to the garage door opening. Exhs. 2 and 3 (a) thru (c).

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 need to validate an existing shed, provide a garage with access to the house for protection from the weather, 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 3.6 feet side yard width and 2 feet rear lot line setback for an accessory building in order to validate an existing condition and construct a 16' x 22' attached garage and driveway extension on the property located at Lots 30, 31 & 32, Block 2, Highland Park Subdivision, being 1211 Gondar 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 plans, Exhibits 3 (a) thru (c).

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.