

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-51-17 Carol Cron, et al.

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: June 21, 2017.

CERTIFICATE OF SERVICE

This is to certify that on June 28, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
Administrator

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

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

Petitioner: Carol Cron, et al.

Appeal No.: V-51-17

Subject Property: Lot 50, Block 39, University Park Subdivision being 3901 Underwood Street, Hyattsville, Prince George's County, Maryland

Municipality: Town of University Park

Witnesses: Michael Cron, Husband

Lenford Carey, Mayor, University Park

Heard and Decided: June 21, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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 a rear yard at least 20 feet in depth/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. Petitioner proposes to validate an existing condition and construct a screened porch. Variances of 5 feet side yard width, 6 feet rear yard depth/width and 3.5% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1949, contains 9,300 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 (B), 4, 5 (A) thru (D) and 8.

2. The property is located on corner lot with the house facing the legal side yard (Underwood Street) causing exceptional narrowness in the legal rear yard limiting the use of the rear yard. Exhs. 2, 5 (A) thru (D) and 13.

3. Petitioner would like to construct an 18' x 24' screened porch on the rear of the dwelling, which would be located 3 feet from the side lot line. Construction of the screened porch would exceed the allowable amount of lot coverage. Variances of 5 feet side yard width and 3.5% net lot coverage were requested. Exhs. 2, 5 (A) thru (D) and 13.

4. The existing dwelling is located 14 feet from the rear lot line for which a variance of 6 feet rear yard depth/width is required to validate its location. Exhs. 2 and 13.

5. Petitioner Carol Cron testified that they would like to build a screened in porch in the back yard, attached to the house. She further stated that the back yard is extremely narrow. She stated that there is an existing patio currently located where the porch will be constructed. Exhs. 2, 3 (A) thru (B), 5 (A) thru (D).

6. Mr. Cron testified that he has spoken to the adjoining neighbors who raised no issues with the proposed construction of the screened in porch. He further testified that there will be no water runoff problems because of an existing well, with gravel for run off (from the house). The run off from the screened porch will be tied into that same drainage. Exhs. 2, 10 (A) thru (G).

7. Mayor Carey, University Park, testified and submitted a written statement stating that the Council of University Park voted unanimously to support Petitioners' proposal of a screened porch. Exh. 18.

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 dwelling being located on a corner lot with the house facing the legal side yard causing exceptional narrowness and limiting the use of the rear yard 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, by majority vote, Mr. Al Scott absent, that variances of 5 feet side yard width, 6 feet rear yard depth/width and 3.5% net lot coverage to validate an existing condition and construct a screened porch on the property located at Lot 50, Block 39, University Park Subdivision being 3901 Underwood 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 plans, Exhibits 3 (A) thru (B).

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.