

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-56-17 Oscar Diaz

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: July 12, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on August 9, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Ernesto Luna, Spanish Language Interpreter

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

Petitioner: Oscar Diaz

Appeal No.: V-56-17

Subject Property: Lot 19, Block 3, Green Meadows Subdivision, being 6513 Sligo Parkway, Hyattsville,
Prince George's County, Maryland

Witness: Sylvia Diaz

Heard: June 21, 2017; Decided: July 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 side yard at least 8 feet in width; 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 2 feet from any side lot line. Petitioner proposes to validate existing conditions and obtain a building permit for a new one-story addition. Variances of 3 feet side yard width for the dwelling, 15% net lot coverage and 1 foot side lot line setback for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1940, contains 5,040 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 8 and 10 (A) thru (F).

2. The lot is rectangular, narrowing at the rear of the property. Exhs. 2 and 4.

3. Petitioner would like to obtain a building permit for a 16' x 13' 7" one-story addition already constructed on the rear of the existing dwelling. The addition is located 5 feet from the side lot line. Since existing development exceeds the amount of lot coverage allowed, construction of the addition would be further overage. Variances of 3 feet side yard width and 15% net lot coverage were requested. Exhs. 2, 3, 5 (A) thru (E) and 10 (A) thru (F).

4. An existing shed in the rear yard is located 1 foot from the side lot line for which a variance of 1 foot side lot line setback for an accessory building was requested. Exhs. 2 and 10 (A) thru (F).

5. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Violation Notice No. BVN 13803-17-0, dated February 25, 2017, requiring Petitioner to obtain the required permit(s) for work done or remove. Work included but not limited to construction of an enclosed rear addition. Exh. 6.

6. Petitioner explained that he would like to keep the addition which is a bedroom. Exhs. 2, 3, 5 (A) thru (E) and 10 (A) thru (F). Mr. Diaz also stated that the addition provides an additional access into and exit from the house. Exh. 5 (E).

7. Sylvia Diaz, wife of Petitioner, explained that the addition (bedroom) is for their parents. Exh. 5 (E).

8. Ms. Diaz also testified that the pre-existing driveway was a dirt path which was improved with brick and concrete pavers. She stated that gravel from the driveway was then used to extend the driveway. Exhs. 2, and 10 (A) thru (F).

9. Petitioner submitted photographs showing several larger homes in the community with additions. Exhs. 24 (A) thru (J).

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 shape of the lot narrowing in the rear, the need for additional living spaces for the family, 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, by majority vote, Mr. Al Scott abstaining, that variances of 3 feet side yard width for the dwelling, 15% net lot coverage and 1 foot side lot line setback for an accessory building in order to validate existing conditions and obtain a building permit for a new 16' x 13'.7" one story addition on the property located at Lot 19, Block 3, Green Meadows Subdivision, being 6513 Sligo Parkway, 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.