

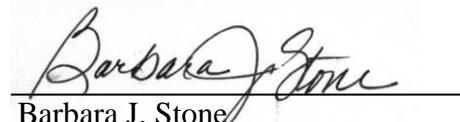
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-106-17 Susan Hsu

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: September 13, 2017.

CERTIFICATE OF SERVICE

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



Barbara J. Stone
Administrator

cc: Petitioner
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

Petitioner: Susan Hsu

Appeal No.: V-106-17

Subject Property: Lots 186 & 187, Block F, Hyattsville Hills Subdivision, being 6013 40th Avenue,
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Sam Lin, Husband

Heard and Decided: September 13, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 a variance 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 a variance 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. Petitioner proposes to validate an existing condition and construct a second-floor addition. A variance of 14% net lot coverage is requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1925, contains 6,327 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, detached garage and driveway. The dwelling was built in 1936. Exh.7. The property is located within the Gateway Arts District Development Overlay Zone. Exhibit (Exhs.) 2, 4, 5 (A) thru (C), 7 and 9 (A) thru (F).

2. Petitioner would like to construct a 22.2' x 32.2' second-floor addition onto the existing one-story dwelling, with basement. As the existing development on the property exceeds the amount of lot coverage allowed, a variance is required before a permit can be obtained for a second floor. A variance of 14% net lot coverage to validate the existing condition was requested. Exhs. 2, 3, 5 (A) thru (C) and 9 (A) thru (F).

3. Mr. Sam Lin testified that they wish to add a second story addition without expanding the width of the existing house footprint. The existing square footage is only 700 square feet (with an unfinished basement) and Petitioner is requesting additional living area for his parents. Exhs. 2, 3, 5 (A) thru (C) and 9 (A) thru (F).

4. Mr. Lin testified that no additional development has been done on the subject property. Exhs. 2, 7, 8 and 9 (A) thru (F).

5. He emphasized that an adjoining property has a second floor. Exhs. 9 (A) thru (F).

6. The City of Hyattsville provided no comment on the variance request. Exh. 17.

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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the existing dwelling being only 700 square feet, the existing footprint will not be expanded with the proposed development, the need for additional living area for family members 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, Ms. Anastasia Johnson absent, that a variance of 14% net lot coverage to validate an existing condition and construct a 22.2' x 32.2' second-floor addition on the property located at Lots 186 & 187, Block F, Hyattsville Hills Subdivision, being 6013 40th Avenue, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance 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.