

NOTICE OF FINAL DECISION

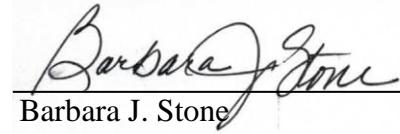
OF BOARD OF APPEALS

RE: Case No. V-159-17 Violeta Martinez

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: January 10, 2018.

CERTIFICATE OF SERVICE

This is to certify that on February 13, 2018, 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
Other Interested Parties

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

Petitioner: Violeta Martinez

Appeal No.: V-159-17

Subject Property: Lot 3, First Addition to Roger's Heights Subdivision, being 5404 Decatur Street,
Hyattsville, Prince George's County, Maryland

Witnesses: Isabel Ramose, Petitioner's Spouse
Julian Alvarado, Neighbor
Marcia Alvarado, Neighbor
Robert McMullen, Neighbor

Heard: December 13, 2017; Decided: January 10, 2018

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 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(e)(Table IV), which prescribes that each lot shall have a side yard at least 7 feet in 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 existing conditions and construct a two-story addition. Variances of 1 foot side yard width and 18.6% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1939, contains 9,594 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioner would like to construct a 16' x 24' two-story addition on the rear of the existing dwelling. As the existing development exceeds the amount of lot coverage allowed, construction of the addition would be further overage. A variance of 18.6% net lot coverage was requested. Exhs. 2, 3 (a) thru (c) and 12.

3. The existing dwelling is located 6 feet from the left side lot line. A variance of 1 foot side yard width was requested. Exhs. 2, 3 (a) thru (c) and 12.

4. Isabel Ramose testified that the proposed addition is for additional living area that will include a kitchen, dining room downstairs and 2 bedrooms and bathroom upstairs. Exhs. 2, 3 (a) thru (c) and 5.

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 does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The subject property does not demonstrate any exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property.
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that variances of 1 foot side yard width and 18.6% net lot coverage to validate existing conditions and construct a 16' x 24' two-story addition on the property located at Lot 3, First Addition to Roger's Heights Subdivision, being 5404 Decatur Street, Hyattsville, Prince George's County, Maryland, be and are hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.