

NOTICE OF FINAL DECISION

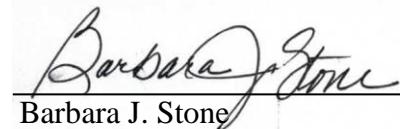
OF BOARD OF APPEALS

RE: Case No. V-188-17 Raquel G. Reyes

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: February 28, 2018.

CERTIFICATE OF SERVICE

This is to certify that on March 14, 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

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

Petitioner: Raquel G. Reyes

Appeal No.: V-188-17

Subject Property: Lot 2, Block D, Raymond M. Ager Property Subdivision, being 1907 Powhatan Road,
Hyattsville, Prince George's County, Maryland

Witnesses: Jose Paz, Petitioner's Husband

Caesar Umana, Builder and Contractor

Heard: February 14, 2018; Decided: February 28, 2018

Board Members Present and Voting: 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(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 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate existing conditions, construct a second-story addition and a two-story addition and obtain a building permit for a new driveway in the front and side yards. A variance of 19.7% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1948, contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed.¹ Exhibits (Exhs.) 2, 4, 7, 8, 9 (A) thru (F) and 21.
2. The lot is narrow and shallow, being only 50 feet wide and 100 feet long. Exhs, 2, 4 and 21.
3. Petitioner would like to obtain a building permit for a 26' x 18' / 38' x 12' driveway that extends into the front yard.
4. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the front yard between the front street line and the sides of the dwelling. Since part of Petitioner's driveway is in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 3, 5 (A) thru (D), 12, 9 (A) thru (C), and 21.

¹ Petitioner will remove the shed. Exhs. 2 and 21.

5. Petitioner would also like to construct a 24' x 30.5' / 14' x 16.5' second-floor addition over the footprint of the existing dwelling and a 14' x 26' two-story addition on the left rear side of the existing dwelling (where the shed will be removed).

6. Construction of the new driveway and the proposed two-story addition exceeds the amount of lot coverage allowed. A variance of 19.7% net lot coverage was requested. Exhs. 2, 3, 5 (A) thru (D), 12, 19 (A) thru (C), and 21.

7. Caesar Umana explained that the driveway has existed since 2011 and the additions will provide more living space for his client's family. Exhs. 2, 3, 5 (A) thru (D), 19 (A) thru (C) and 21.

8. He further provided photographs of other houses in the community with additions. Exhs. 20 (A) thru (G).

9. Mr. Umana stated that the subject house is 1 1/2 stories with two bedrooms in the front where the dormers are, and he is proposing to simply lift the roof and frame true 8-foot walls on the second level, which will be within the maximum 35-foot height limitation. Exh. 3.

10. Petitioner agreed to remove a 26' x 7' portion of the expanded driveway along the front walkway, reducing the amount of net lot coverage. Exh. 21.

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 narrowness and shallowness of the lot, the need for additional living space, 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. Bobbie Mack absent, that a variance of 15% net lot coverage and a waiver of the parking area location requirement in order to validate existing conditions, construct a 24' x 30.5' / 14' x 16.5' second-floor addition and a 14.5' x 26' two-story addition and obtain a building permit for a new 26' x 18' / 38' x 12' driveway in the front and side yards on the property located at Lot 2, Block D, Raymond M. Ager Property Subdivision, being 1907 Powhatan Road, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 21 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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.