

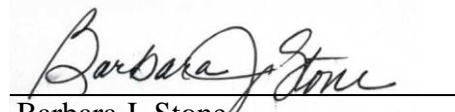
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-194-17 Ricardo and Dora Pacheco

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: April 11, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on April 23, 2018 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


Barbara J. Stone
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Hyattsville
Ernesto Luna, Spanish Language Interpreter

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

Petitioners: Ricardo and Dora Pacheco

Appeal No.: V-194-17

Subject Property: Lot 11, Block 10, Clearwood Subdivision, being 3610 Longfellow Street, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Spanish Language Interpreter: Ernesto Luna

Heard: February 28, 2018; Decided: April 11, 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 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, Petitioners 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 front yard at least 25 feet in depth; 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 set back more than 30 feet but less than 60 feet from the side street line shall be 10 feet from the rear lot line. Petitioners propose to validate existing conditions and obtain a building permit for a covered front porch. Variances of 6.8 feet front yard depth for the dwelling, 4.3% net lot coverage and 7 feet rear lot line setback for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1943, contains 6,933 square feet, is zoned R-35 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, detached garage and shed. The property is a corner lot with the dwelling facing the legal front street. Exhibits (Exhs.) 2, 4, 5 (A) thru (B), 7, 8, 9 (A) thru (F).

2. Petitioners would like to obtain a building permit for a 6.33' x 9.25' covered front porch. As the existing development on the property exceeds the amount of lot coverage allowed, construction of the covered front porch is further overage. A variance of 4.3% net lot coverage was requested. Exhs. 2, 3, 5 (A) thru (B), 12 and 13.

3. The existing dwelling is located 18.2 feet from the legal front street line and the shed, which is attached to the garage, is located 3 feet from the legal rear lot line. Variances of 6.8 feet front yard depth for the dwelling and 7 feet rear lot line setback for an accessory building were requested. Exhs. 2, 3, 5 (A) thru (B) and 13.

4. Petitioner Dora Pacheco testified that they have lived in the dwelling for 13 years. The covered front porch is used primarily for shelter and weather protection for her pets. Exhs. 2, 3, 5 (A) thru (B).

5. The City of Hyattsville supports the variance requests. Exhs. 21, 22 and 23.

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 owners 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 subject lot being a corner lot with the legal front yard along Longfellow Street, the pre-existing location of the development on the corner lot, the need to provide shelter for Petitioners' dogs 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, unanimously, that variances of 6.8 feet front yard depth for the dwelling, 4.3% net lot coverage and 7 feet rear lot line setback for an accessory building to validate existing conditions and obtain a building permit for a 6.33' x 9.25' covered front porch on the property located at Lot 11, Block 10, Clearwood Subdivision, being 3610 Longfellow 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 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.