

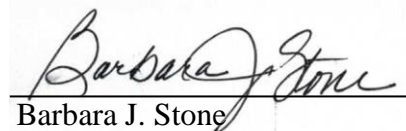
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-224-17 Joel Ramos

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: May 9, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on May 17, 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
DPIE/Inspections Division
City of Hyattsville

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

Petitioner: Joel Ramos

Appeal No.: V-224-17

Subject Property: Lot 2, Block D, Queens Chapel Manor Subdivision, being 5603 30th Avenue, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Heard: April 11, 2018; Decided: May 9, 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, 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 front yard at least 25 feet in depth 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 covered front porch. Variances of 5 feet front yard depth and 1.1% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1940, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. The property is located within the Gateway Arts District Development Overlay Zone. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. Petitioner would like to construct a roof over an existing 5' x 9.5' front porch, which will be located 20 feet from the front street line. A variance of 5 feet front yard depth was requested. Exhs. 2, 3, 5 (A) thru (H) and 13.

3. As the existing development on the property exceeds the amount of lot coverage allowed, construction of a covered front porch would be further overage. A variance of 1.1% net lot coverage was requested. Exhs. 2, 3, 5 (A) thru (H) and 13.

4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Notice of Violation BVN 46594-17-0 on August 11, 2017, requiring Petitioner to "Obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to exterior front over hang over the front stoop...". Exh. 6.

5. The City of Hyattsville is in support of the proposed variances. Exh. 21.

6. Petitioner Joel Ramos testified that the roof was constructed larger than the original roof which was useless when it rained, causing water damage to the door and the structure. Exhs. 2, 3, 5 (A) thru (H).

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 dwelling being exactly 25 feet back from the front property line, the prior roof of the porch providing inadequate protection from the rain which has caused property damage, 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, unanimously, that variances of 5 feet front yard depth and 1.1% net lot coverage in order to validate existing conditions and construct a 5' x 9.5' covered front porch on the property located at Lot 2, Block D, Queens Chapel Manor Subdivision, being 5603 30th Avenue, 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, Exh. 2 and approved elevation plan, Exh. 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.