

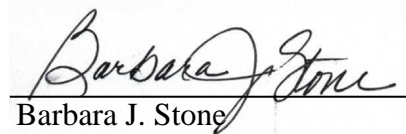
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-12-18 Dimas and Karen Rodriguez

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 23, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on June 1, 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

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

Petitioners: Dimas and Karen Rodriguez

Appeal No.: V-12-18

Subject Property: Lot 16, Block F, Castle Manor Subdivision, being 3701 Kennedy Place, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Heard: May 9, 2018; Decided: May 23, 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 request 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, a side yard at least 8 feet in width and a rear yard at least 20 feet in depth/width, and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard. Petitioners propose to validate existing conditions (house, deck & shed), obtain a permit for a new one-story addition and construct a deck. Variances of 3 feet front yard depth, 5 feet side yard width and 13 feet rear yard depth/width for the dwelling and a variance of 7 feet front street line setback and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1941, contains 5,381 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. The property is located within the Gateway Arts District Development Overlay Zone. Exhibits (Exhs.) 3, 5, 9, 10 and 11 (A) thru (F).
2. The property is an odd shaped lot with the rear yard at a sharp angle. Exhs. 2 and 4.
3. Petitioners would like to obtain a building permit for a new 10' x 16'10" one-story addition, located on the rear of the dwelling, and construct a 28'5" x 36' deck along the rear and side of the dwelling. Exhs. 2, 3, 4, 7 (A) thru (E), 21 (A) thru (C) and 12.
4. An existing covered front porch is located 22 feet from the front street line, an existing deck on the side of the dwelling is located 3 feet from the side lot line and the proposed deck would be located 7 feet from the rear lot line. Variances of 3 feet front yard depth, 5 feet side yard width and 13 feet rear yard depth/width for the dwelling were requested. Exhs. 2, 3, 7 (A) thru (E), 21 (A) thru (C) and 12.

5. An existing shed is located beside the dwelling and is 53 feet from the front street line. A variance of 7 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exhs. 3 and 11 (A) thru (F).

6. The City of Hyattsville City Council voted in support of the variance request. Exh. 17 and 22.

7. Petitioner Karen Rodriguez testified construction of the addition has already begun¹ and the addition will serve as a dining room to accommodate large family gatherings. Exhs. 2, 3, 6, 7 (A) thru (E) and 21 (A) thru (C).

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 odd shape of the lot with the rear yard at a sharp angle, 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 3 feet front yard depth, 5 feet side yard width and 13 feet rear yard depth/width for the dwelling and a variance of 7 feet front street line setback and a waiver of the rear yard location requirement for an accessory building in order to validate existing conditions (house, deck & shed), obtain a permit for a new 10' x 16'10" one-story addition and construct a 28'5" x 36' deck on the property located at Lot 16, Block F, Castle Manor Subdivision, being 3701 Kennedy Place, 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 3 and approved elevation plans, Exhibits 4 (a) thru (b).

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

Bobbie S. Mack, Chairperson

¹ The City of Hyattsville Office of Code Enforcement issued a Stop Work for the rear addition and deck for not having approved permits. Exh. 6.

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.