



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

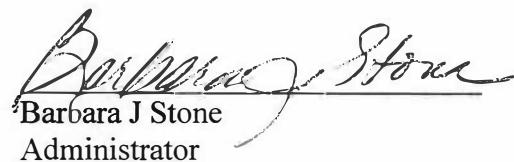
OF BOARD OF APPEALS

RE: Case No. V-5-22 Erick Jairo Mendez

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: March 9, 2022

CERTIFICATE OF SERVICE

This is to certify that on July 28, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



A handwritten signature in black ink, appearing to read "Barbara J. Stone".

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: Erick Jairo Mendez

Appeal No.: V-5-22

Subject Property: Lot 18, Block D, Queens Chapel Manor Subdivision, being 5622 31st Avenue, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Heard and Decided: March 9, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Albert C. Scott, Vice Chairman

Board Member Absent

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 variances from Ordinance Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate an existing condition (front yard depth) and construct an addition with basement. Variances of 8 feet front yard depth and 3.4% 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, and one-story addition with basement to validate and existing condition (front yard depth) and proposed addition with basement. Exhibits (Exhs) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject property is rectangle shape with dimensions of 50-feet width and 100 feet in length. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioner proposes to validate an existing condition (front yard depth) and construct an addition with a basement. Variances of 8 feet front yard depth and 3.4% net lot coverage. A variance of 8 feet front yard setback is due to the existing covered front stoop. The maximum allowable lot coverage for the R-55 zoned property is 30%. The current lot coverage is 33.4%; therefore, a variance of 3.4% net lot coverage is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).¹

4. Petitioner Erick Jairo Mendez testified that he is proposing to build an addition on the rear of the home. The home is extremely small for a family of four (approximately 760 sq. feet). He is proposing the expansion because of the inadequate family living space for his family. Exhs. 2, 3, and 5 (A) thru (E).

5. He further stated that his house is one of the smallest dwellings in the neighborhood. Exh. 9 (A).

6. The 31.4' x 25' addition will include a basement with a new foundation. The addition will also include two bedrooms and an office. He stated that when the property was purchased in 2017, his family

¹ The City of Hyattsville did not respond to the request for comments.

consisted of his wife and daughter, but now with a son, both children need their own bedroom. Exhs. 2, 3, and 5 (A) thru (E).

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

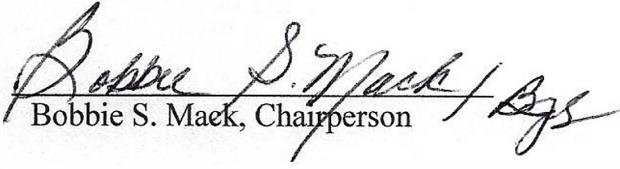
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the exceptionally small living space of the existing home, the need for additional square footage for bedrooms for his son and daughter 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. Anastasia Johnson absent, that variances of 8 feet front yard depth and 3.4% net lot coverage in order to validate an existing condition (front yard depth) and proposed addition with basement on the property located at 5622 31st Avenue, Hyattsville, Prince George's County, Maryland, be and is 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:


Bobbie S. Maek, 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.

BOARD OF APPEALS

APPROVED MAR 09 2022

B. Stoy
ADMINISTRATOR

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Professional Co.
I hereby certify
I was prepared or
and that I am
in accordance with
the laws of the State
License # A 4329.
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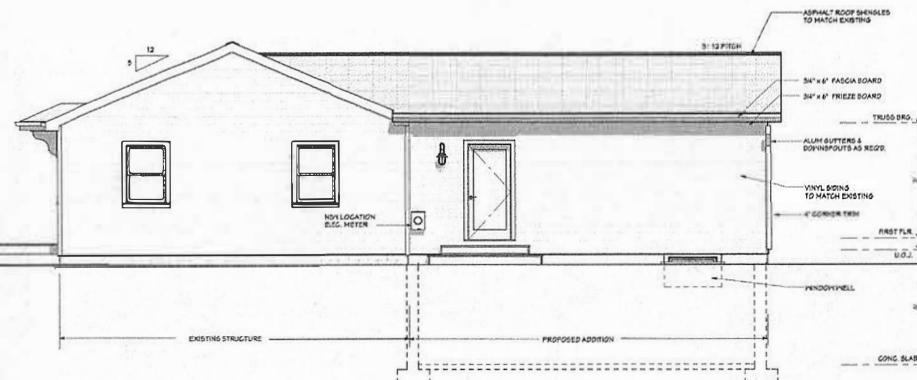
PROJECT A
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DATE:
10/25

SCALE:

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A



(a)

Right Elevation
1/4 in = 1 ft



(b)

Rear Elevation
1/4 in = 1 ft



(c)

Left Elevation
1/4 in = 1 ft



(d)

Front Elevation
1/4 in = 1 ft

DDH # 3(a-d)
V-5-22