



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

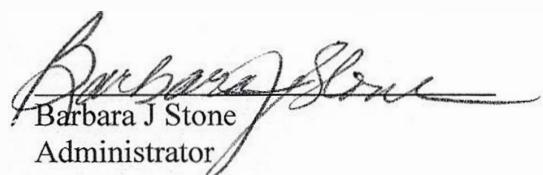
OF BOARD OF APPEALS

RE: Case No. V-67-22 Rosario Salgado

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: December 14, 2022

CERTIFICATE OF SERVICE

This is to certify that on March 14, 2023, 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: Rosario Salgado

Appeal No.: V-67-22

Subject Property: Lot 4, Block 4, Queens Chapel Manor Subdivision, being 5820 31st Place, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Anna Salgado, Sister

Heard and Decided: November 9, 2022; December 14, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Anastasia T. Johnson, Member
Carl Isler, Member
Teia Hill, Member
Renee Alston, Member

Board Member Absent:

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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-4202(e) of the Zoning Ordinance prescribes that each lot shall have a minimum net lot area of 6,500 square feet and a minimum width of 65 feet measured along the front building line. Section 27-4202(e)(2) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-4202(e)(3) prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to validate existing conditions (net lot area, lot width, front yard, and side yard width) and obtain a building permit for the unauthorized construction of a deck on RFS-65 (Residential, Single-Family) Zoned property. Variances of 578 square feet net lot area, 15 feet front building line width, and 3.2 feet side yard width were requested.

Evidence Presented

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

1. The property was subdivided in 1947, contains 1,322 square feet, is zoned RSF-65 (Residential, Single Family), and is improved with a single-family dwelling and a covered deck. Exhs. 4, 5, 7, and 9.
2. Petitioner would like to validate existing conditions (net lot area, lot width, front yard and side yard width) and obtain a building permit for the unauthorized construction of a deck. Exh. 1.
3. The Petitioner and Anna Salgado (Petitioner's sister) testified that their lot is smaller and narrower than their adjacent neighbors. Petitioner further testified that the deck was preexisting when she purchased the home. Exhs. 5, 10 (A thru F), and 11 (A thru C).
4. The Petitioner received a Warning Notice from the City of Hyattsville on July 14, 2022. The Petitioner was in violation of constructing a cover over the deck without a permit. Exh. 6.

5. On December 9, 2022, the City of Hyattsville submitted a letter of support for this variance application and stated it did not violate the City's Variance Policy. Ex. 19.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613 (d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1)** A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2)** The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;
- (3)** Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;
- (4)** Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property;
- (5)** Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6)** A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance does/does not comply with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the Petitioner's lot being narrower than her adjacent neighbors, the specific parcel is physically unique and unusual in a manner different from the nature of the surrounding properties. The particular uniqueness disallowed the construction of a covered deck on Petitioner's property; however, surrounding properties are allowed to have a covered deck without the need for a variance. This variance will not substantially impair the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan as covered decks are not out of character in the surrounding community. There was no opposition on record that this variance would impair the use and enjoyment of adjacent properties. The practical difficulty, albeit self-inflicted, was cured by the Petitioner adhering to the City of Hyattsville's recommendation of support.

BE IT THEREFORE RESOLVED, unanimously, that variances of 578 square feet from the minimum net lot area, 15 feet front building line width, 4 feet front yard depth, and 3.2 feet side yard width requirements in order to obtain a building permit for the unauthorized construction of a deck on the property located at 5820 31st Place, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibit 3 (a) thru (c).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

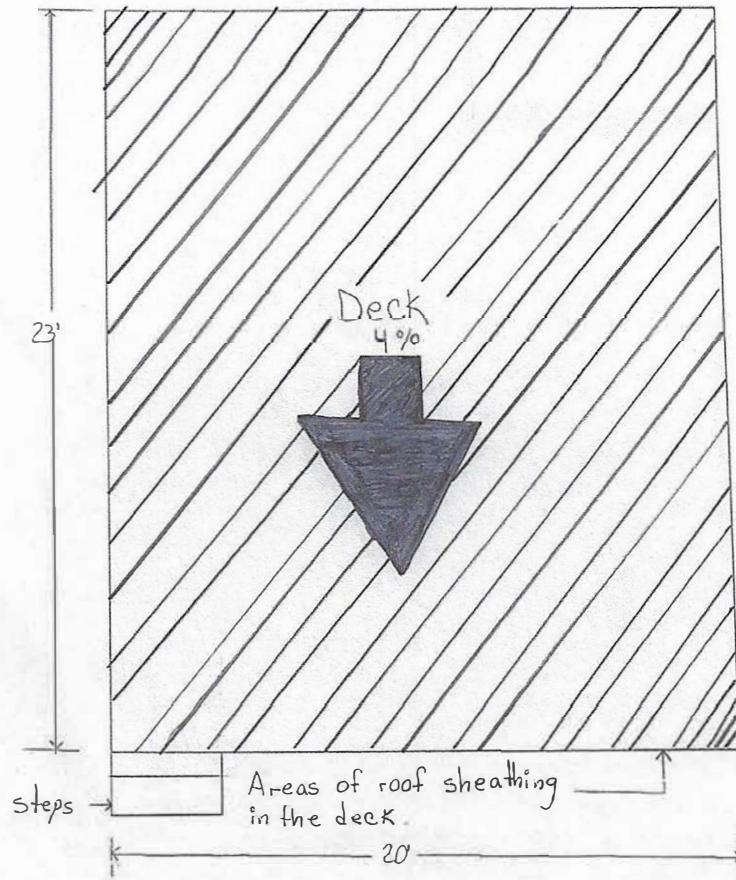
NOTICE

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 27-3613(c)(10)(B) 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.

Deck Roof Cover scale 1 3/8



BOARD OF APPEALS

APPROVED DEC 14 2011

B. St. John
ADMINISTRATOR

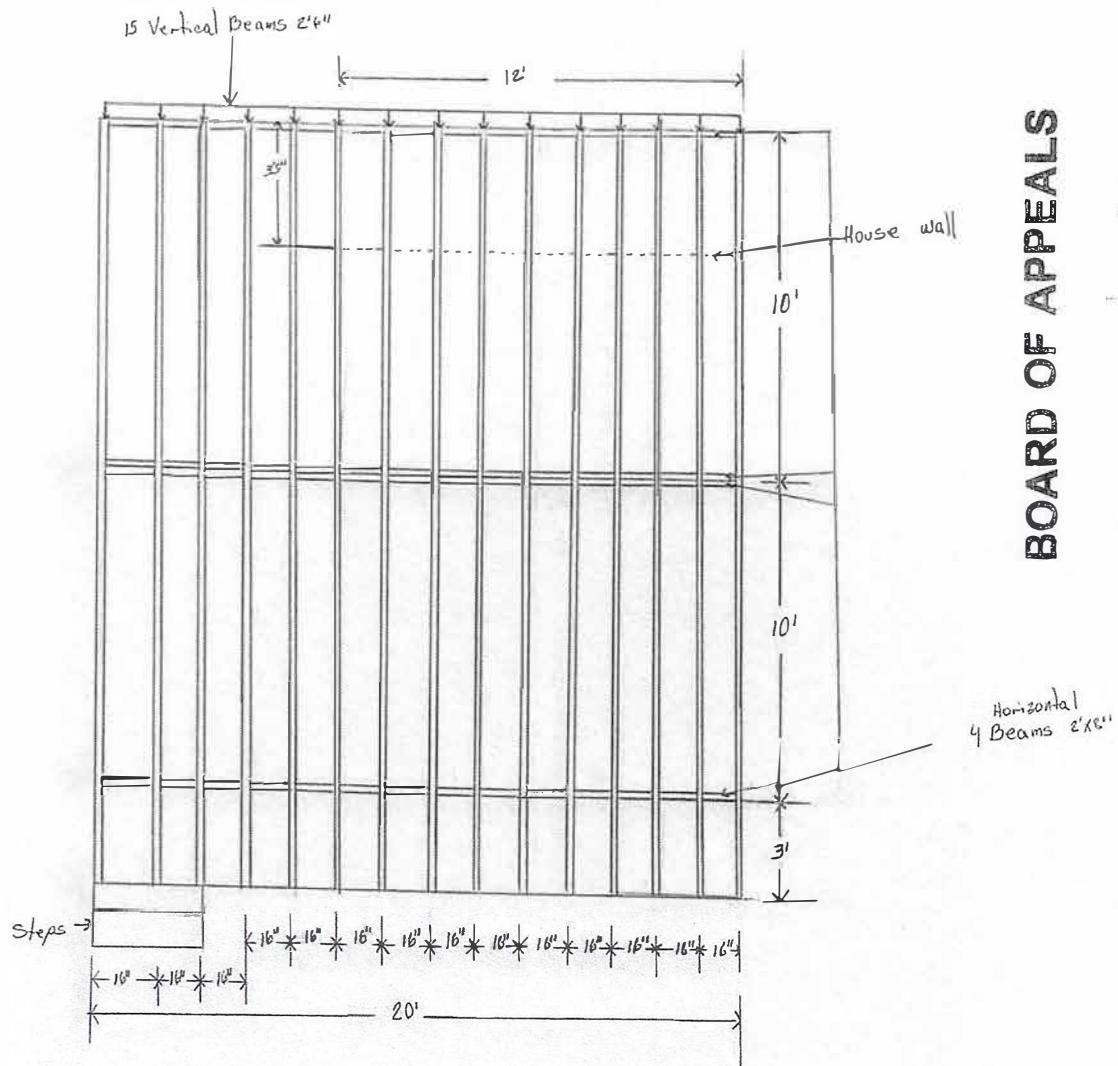
Note:

- The roof covering is plywood, water proof paper and plastic roof tiles, slate gray.

3(a)

EXH. # 3(a-c)
V-67-22

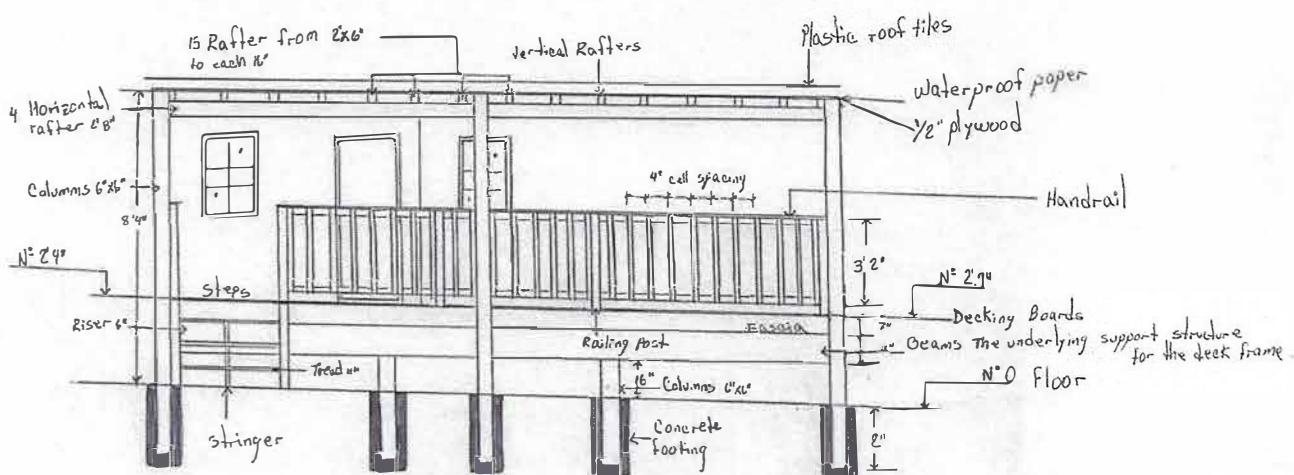
Deck Roof structural plan scale 1 3/8



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APPROVED DEC 14 2022

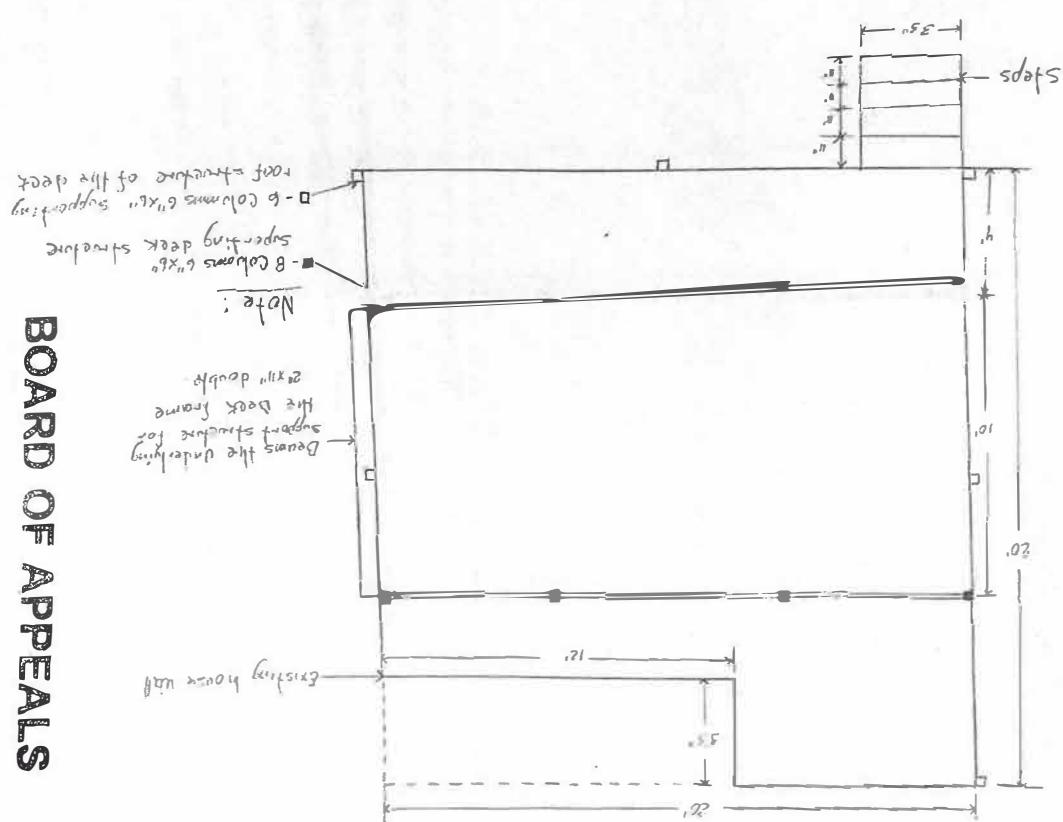
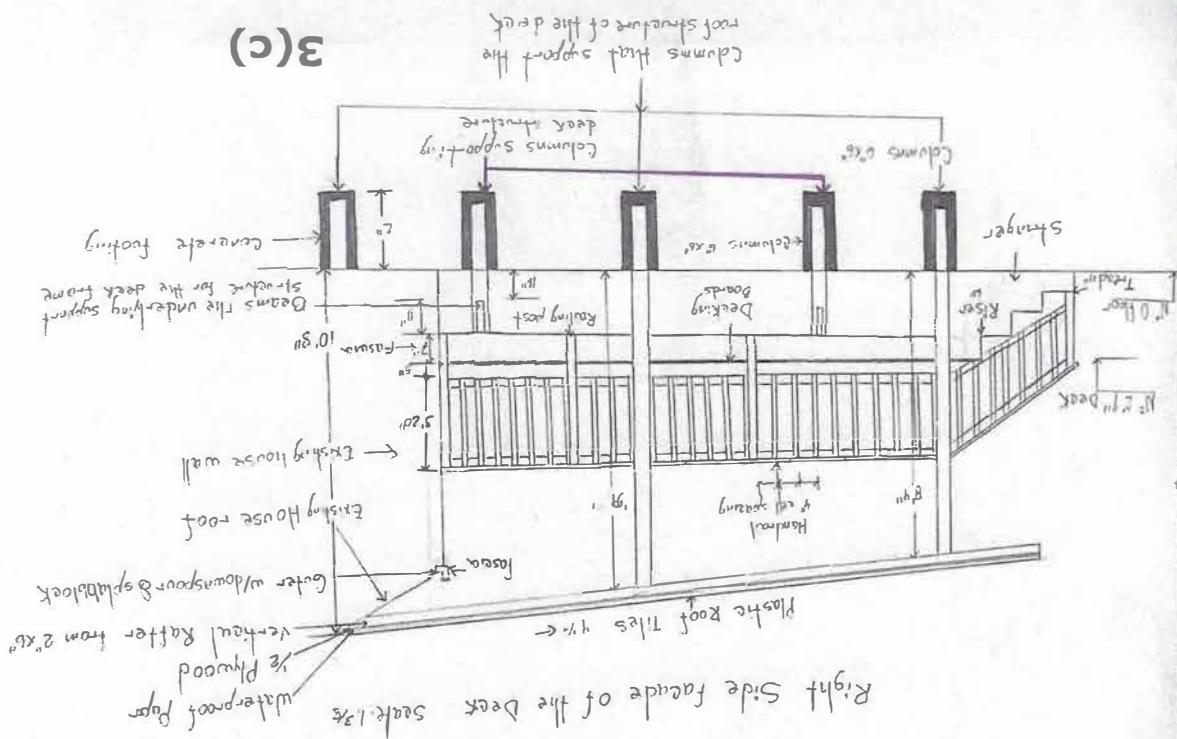
D. S. S.
ADMINISTRATOR



Front Facade of the deck scale 1 3/8

3(b)

(۲)۶



Deck Structural Plan - page 1/38

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APPROVED DEC 14 2022

Administrator