



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
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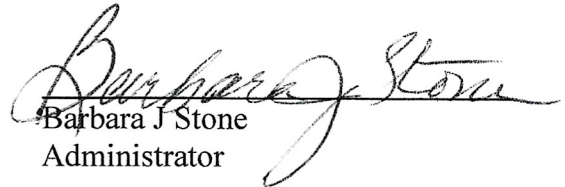
NOTICE OF FINAL DECISION OF BOARD OF APPEALS

RE: Case No. V-69-22 Molly Canty and Nicholas Jablonski

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: November 30, 2022.

CERTIFICATE OF SERVICE

This is to certify that on February 15, 2023, the above notice and attached Order of the Board have been emailed to the Petitioners and Legal Representatives and will be mailed, postage prepaid on February 20, 2023, to all persons of record.


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

Petitioners: Molly Canty and Nicholas Jablonski

Appeal No.: V-69-22

Subject Property: Lots 72 & 73, Block C, Hyattsville Hills Subdivision being 3905 Oliver Street,
Hyattsville, Prince George's County, Maryland

Municipality: Hyattsville

Counsel for Petitioners: Kelvin Reeves, Esq.

Heard: November 9, 2022; Decided: November 30, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Anastasia T. Johnson, Member
Renee Alston, Member
William Carl Isler, Member
Teia Hill, 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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 6500 square feet, a minimum width of 65 feet measured along the front building line and a side yard at least 8 feet in width. Petitioners propose to validate existing conditions (net lot area, lot width, lot frontage, lot coverage, front yard depth, and accessory building setback) and obtain a building permit in order to construct an enclosed staircase addition. Variances of 500 square feet net lot area, 15 feet lot width, 2 feet lot frontage, 11.2 % net lot coverage, 0.9-foot front yard depth, and 2 feet side lot line setback 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 1925, contains 6,000 square feet, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling, gravel driveway, deck, covered front porch and garage. Exhibits, (Exhs.) 3, 5, 8, 9 and 10.
2. The subject property is rectangle in shape, being 120 feet in length and 50 feet in width. The dwelling is approximately 792 square feet. Exhs. 3, 5, 8, 9 and 10.
3. Petitioners propose to validate several existing conditions (net lot area, lot width, lot frontage, lot coverage, front yard depth, and accessory building setback) in order to obtain a building permit in order to construct an enclosed staircase addition. Specifically, variances of 500 square feet net lot area, 15 feet lot width, 2 feet lot frontage, 11.2 % net lot coverage, 0.9-foot front yard depth, and 2 feet side lot line setback for an accessory building are necessary, respectively. As most of the requested variances are to validate existing conditions, the only area variance that is caused by the proposed addition is the expanded lot coverage. Exhs. 3, 5, 8, 9 and 10.

4. Mr. Kelvin Reaves, attorney representing the Petitioners, informed the Board that Petitioners purchased the property over the summer and now embrace a major concern regarding where the previous owners had placed the interior stairs to access to the lower level (basement). Currently, the stairs are located in the dining room. A contractor was contacted to determine if the stairs can be relocated to the right side of the house, but the contractor stated that because of structural issues, the suggested stairs relocation would be right in the middle of the dining room, which is not feasible. He stated that the only feasible option would be to add a staircase addition. Exhs. 3, 4, 6 (A) thru (F).

5. Petitioner Jablonskis testified that the garage in the rear of the property is not used to house their vehicles, so they would not need to drive vehicles passed the enclosed stairway addition.¹ He stated that the garage will only be used for storage. Exhs. 3, 4, 6 (A) thru (F).

6. The City of Hyattsville has no comments regarding the requested variances. Exh. 18.

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 originally built being 1923, the extreme small size (792 square feet) of the dwelling, the need to add a more suitable interior stair access to the basement, the structural unsoundness to relocate the stairway inside of the dwelling, 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 500 square feet net lot area, 15 feet lot width, 2 feet lot frontage, 11.2 % net lot coverage, 0.9-foot front yard depth, and 2 feet side lot line setback for an accessory building in order to validate existing conditions (net lot area, lot width, lot frontage, lot coverage, front yard depth, and accessory building setback, respectively) and obtain a building permit in order to construct an enclosed staircase addition on the property located at 3905 Oliver Street, 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, Exh. 3 and approved elevation plan, Exh. 4.

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By:


Bobbie S. Mack, Chairperson

¹ The proposed enclosed addition would protrude into the driveway area. Exh. 3.

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 NOV 30 2022

ADMINISTRATOR



LOCATION DRAWING
LOTS 72 & 73 BLOCK C
SECTION No. 3
HYATTSVILLE HILLS
PRINCE GEORGE'S COUNTY, MARYLAND

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 3 feet.
2. Fences, if shown, have been located by approximate methods.

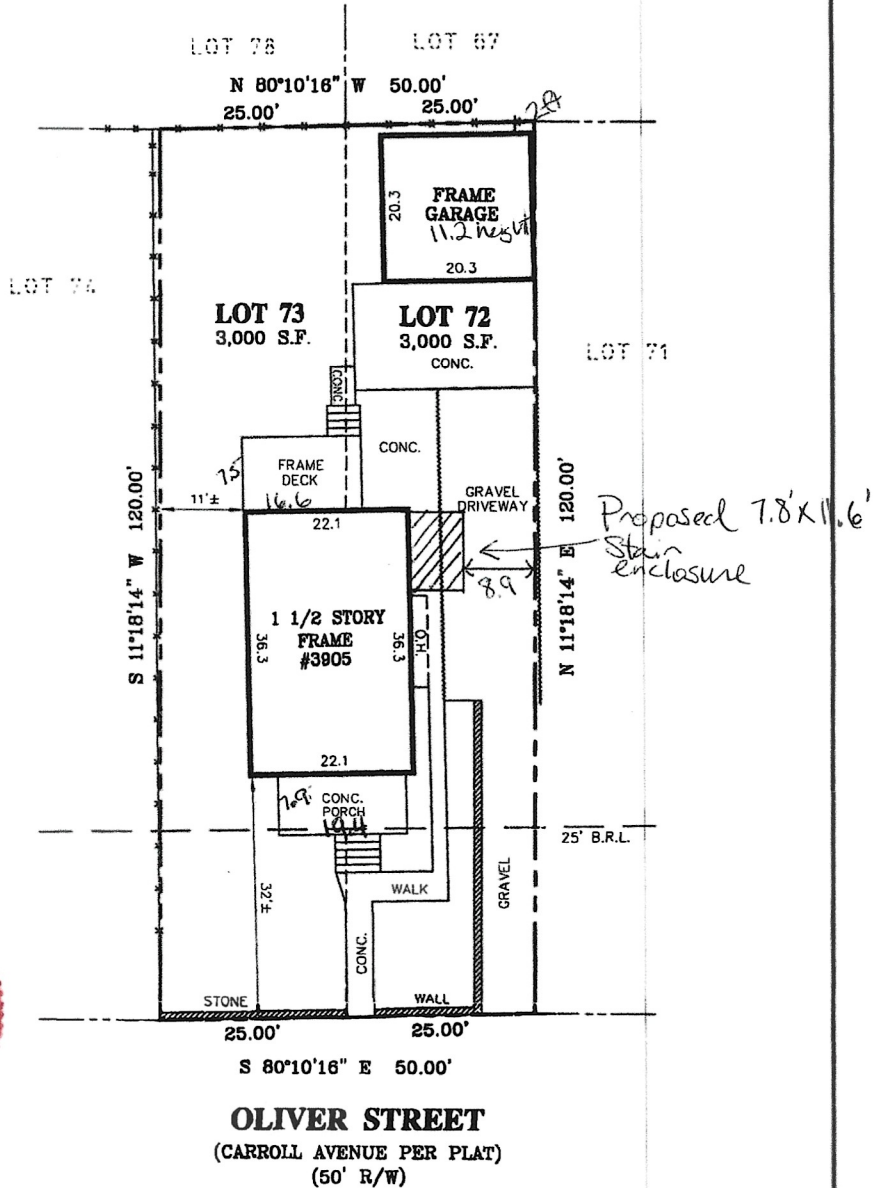




EXHIBIT
3
V-69-22

SURVEYOR'S CERTIFICATE		REFERENCES		 SNIDER & ASSOCIATES LAND SURVEYORS 19544 Ameranth Drive Germantown, Maryland 20874 301/948-5100 Fax 301/948-1288 WWW.SNIDERSURVEYS.COM	
THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.		PLAT BK.	3		
		PLAT NO.	20		
 MARYLAND PROPERTY LINE SURVEYOR REG. NO. 592 Expires: 04-07-2023		LIBER		DATE OF LOCATIONS	SCALE: 1" = 20'
		FOLIO		WALL CHECK:	DRAWN BY: D.M.L.
				HSE. LOC.: 06-10-22	JOB NO.: 22-02026HL

