



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-82-22 Market Street Diamonds, Inc. (Dino Lonzano)

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: January 25, 2023.

CERTIFICATE OF SERVICE

This is to certify that on February 22, 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". Below the signature, the name "Barbara J. Stone" is printed in a smaller, sans-serif font, followed by the title "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: Market Street Diamonds, Inc./ Dino Lonzano
Appeal No.: V-82-22

Subject Property: Lot 8, Block 11, Rogers Heights Subdivision, being 5412 Gallatin Street, Hyattsville, Prince George's County, Maryland

Counsel for Petitioner: Norman Rivera, Esq.

Witness: Dino Lanzano

Heard and Decided: Wednesday, January 25, 2023

Board Members Present and Voting: Bobbie Mack, Chair - Present
Anastasia Johnson, Member - Present
Wm. Carl Isler, Member – Present.
Renee Alston, Member - Present
Teia Hill - Present

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 27-4202(e)(1) prescribes that each lot shall have a lot width of a minimum of 65 feet, a lot frontage (width) at front street line minimum of 52 feet. Section 27-4202(e)(2) prescribes that each lot shall have a front yard depth minimum of 25 feet. Section 27-4202(e)(3) prescribes that each lot shall have a side yard width minimum of 8 feet. Petitioner proposes to validate existing conditions (lot width, lot frontage, front yard depth and side yard width) and obtain a building permit for the construction of a covered entrance, a rear addition, and a deck. Variances of 25 feet lot width, 10 feet lot frontage width, 1-foot front yard depth and 3 feet side yard width for both sides are requested.

Evidence Presented

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

1. The property was subdivided in 1922, containing 7,280 square feet, and is zoned RSF-65 (Residential, Single-Family-65) and improved with an approximately 700-square-foot, detached single-family dwelling and driveway.
2. The subject property is rectangular in shape being 182 feet in length and 40 feet in width.
3. Mr. Lonzano purchased the property as a home for one of his employees. The house needs renovation due to age and small size. Petitioner would like to add new bedrooms to the rear, a small, covered entryway over the existing front to serve as a mudroom, and a deck off the addition to the rear.
3. Petitioner submitted a site plan, elevations, and a floor plan for the renovated home. In response to a Board member's question as to why Petitioner did not choose to add a second floor, Mr. Lonzano averred that his employee is a senior that doesn't want to use steps. (Exhibits 2 and 3 (a)-(e))
4. The lot is long and narrow. (Exhibits 2,4, and 13). Accordingly, the requested variances of 25 feet from the minimum lot width requirement of 65 feet, 10 feet from the minimum front street line frontage width requirement of 52 feet, 1 foot from minimum front yard depth requirement of 25 feet, and 3 feet for both side

yards from minimum side yard width requirement are needed to validate the existing home and shed. The lots to the right and left of the property are similarly narrow but those across the street on which the subject property front appear to be slightly larger and are more varied. (Exhibits 12(a)-(c))

5. Counsel avers that the request satisfies the variance provisions due to the narrowness of the site that was platted over 100 years ago, a unique situation not self-imposed by the Applicant. Given the narrowness of the site and the closeness of the adjacent homes there is no available land for the Applicant to add to its site to meet the setbacks, and if there were Applicant would have to tear down its employee's new home in order to do so. All other neighboring properties have been renovated over the years and approving the request would enable Applicant's dwelling to better reflect the character of the neighborhood. (Exhibits 11 (a)-(f)) Under these facts and given the relatively small additions that will be constructed, the Master Plan should not be impaired.

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:

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 comply with the applicable standards set forth in Section 27-3613, more specifically:

Due to the property being subdivided in 1922 and developed in conformance with the Ordinance in effect at that time, the existing home and shed require the grant of several variances since it cannot meet the current lot width, lot frontage(width) at front street line, front yard depth and side yard width requirements for the RSP-65 Zone. The variances requested are the minimum required to validate the home and shed. Other adjacent lots are less narrow than the subject property and every other home in the immediate area has

undergone improvements increasing the size of the original homes thereby improving the character of the neighborhood, and granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan. Denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property to remain in a very small home that detracts from said character.

BE IT THEREFORE RESOLVED, unanimously, that variances of 25 feet from lot width minimum, 10 feet from lot frontage (width) at front street line minimum, 1 foot from front yard depth minimum, and 3 feet from side yard width minimum for both side yards in order to obtain a building permit on the property located at 5412 Gallatin Street, 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 2, and approved elevation plans, Exhibits 3(c) thru (e).

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 construction of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the construction 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.

APPROVED JAN 25 2023

ADMINISTRATOR



BOARD OF APPEALS

APPROVED JAN 25 2023

5412 GALLATIN ST, HYATTSVILLE MD, 20781

Administrator

GENERAL NOTES AND SPECIFICATIONS:

- WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE OWNER/BUILDER SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS) AND CONDITIONS ON THE JOB AND MUST VERIFY IN FIELD (VIF) OF ANY VARIATIONS FROM THESE DRAWINGS.
- THE OWNER/BUILDER IS RESPONSIBLE FOR THE DESIGN AND PROPER FUNCTION OF PLUMBING, HVAC AND ELECTRICAL SYSTEMS. THE OWNER/BUILDER SHALL VERIFY IN FIELD (VIF) AND COORDINATE WITH CONTRACTORS WITH ANY PLAN CHANGES REQUIRED FOR DESIGN AND FUNCTION OF PLUMBING, HVAC AND ELECTRICAL SYSTEMS.
- THE DESIGNER SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION METHODS, ACTS OR OMISSIONS OF THE OWNER/BUILDER/CONTRACTOR OR SUBCONTRACTOR, OR FAILURE OF ANY OF THEM TO CARRY OUT WORK IN ACCORDANCE WITH THE CONSTRUCTION DOCUMENTS. ANY DEFECT DISCOVERED IN THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THIS OFFICE. BEFORE PROCEEDING IN FIELD (VIF) DURING WORK, A REASONABLE TIME NOT ALLOWED THIS OFFICE TO CORRECT THE DEFECT SHALL PLACE THE BURDEN OF COST AND LIABILITY FROM SUCH DEFECT UPON THE CONTRACTOR.
- DESIGN CRITERIA: 2018IRC AND IBC (SEE GOVERNING BUILDING CODES)
- ROOF: 30 PSF SNOW LOAD
8 PSF TOP CHORD DL
7 PSF BOTTOM CHORD DL
5 PSF NET WIND UPLIFT
- FLOOR:
40 PSF LL
10 PSF TOP CHORD DLU
5 PSF BOTTOM CHORD DL
- SOIL: 1,500 PSF ALLOWABLE (ASSUMED), TO BE AT TIME OF EXCAVATION, TABLE 403.10 (MINIMUM WIDTH AND THICKNESS FOR CONCRETE FOOTINGS FOR LIGHT-FRAME CONSTRUCTION FROST DEPTH, 2'-6")
WIND, 115 ULT (15 MPH 3 SEC GUST), EXPOSURE B, THIS STRUCTURE SHALL BE ADEQUATELY BRACED FOR WIND LOADS UNTIL THE ROOF, FLOOR AND WALLS HAVE BEEN PERMANENTLY FRAMED TOGETHER AND SHEATHED.
- INSTALL POLYISOCYANURATE FOAM TYPE INSULATION AT FLOOR AND PLATE LINES, OPENINGS IN PLATES, CORNER STUD CAVITIES AND AROUND DOOR AND WINDOW ROUGH OPENING CAVITIES.
- INSTALL WATERPROOF GYPSUM BOARD AT ALL WATER SPLASH AREAS TO MINIMUM 17" ABOVE SHOWER DRAINS. INSULATE WASTE LINES FOR SOUND CONTROL.
- EXHAUST VENTS AND FANS DIRECTLY TO OUTSIDE VIA METAL DUCTS. PROVIDE 90 CFM (MIN FANS TO PROVIDE 5 AIR CHANGES PER HOUR) IN BATHS, NEW BATHROOMS, 2 NEW BEDROOMS AND NEW DECK ROOMS.
- ALL RECESSED LIGHTS IN INSULATED CEILINGS TO HAVE THE IC LABEL. PROVIDE SOLID BLOCKING UNDER ALL BEARING WALLS PERPENDICULAR TO JOISTS AND OTHER BEARING POINTS NOT OTHERWISE PROVIDED WITH SUPPORT.

BUILDING DATA:

PROJECT ADDRESS: 5412 GALLATIN ST, HYATTSVILLE MD, 20781
LOT AREA: 7,280 S.F.

LOT NUMBER: 8
USE OCCUPANCY: R-3
TYPE OF BUILDING: DETACHED SINGLE FAMILY DWELLING

NUMBER OF STORIES: 1 W/ CRAWLSPACE
TYPE: VB
SPRINKLER: NO

FIRE ALARM SYSTEM: SMOKE DETECTOR (HARD WIRED, INTERCONNECTED, BATTERY BACK-UP)

FRAMING SYSTEM: EXTERIOR AND INTERIOR, OAB BEARING WOOD STUD WALLS, WOOD FLOOR JOIST FLOOR FRAMING AND WOOD ROOF RAFTERS, ALL EXTERIOR AND INTERIOR WALLS.

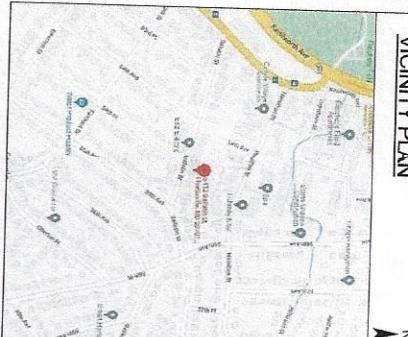
FLOOR/ROOF CONST.: 0 HOURS
CEILING HEIGHT:
HABITABLE ROOMS OTHER THAN KITCHENS, STORAGE ROOMS AND LAUNDRY ROOMS MUST HAVE A CEILING HEIGHT OF NOT LESS THAN 7 FEET 6 INCHES. KITCHEN, HALLWAYS, BASEMENTS, TOILET ROOMS AND HABITABLE ROOM ONLY MUST HAVE A HEIGHT OF NOT LESS THAN 7 FEET. THE MAXIMUM PROJECTION BELOW THE REQUIRED CEILING HEIGHT FOR BEAMS AND GIRDERS SPACES NOTLESS THAN 4 FEET ON CENTER SHALL BE 6 INCHES. FURRED CEILINGS OF NOT LESS THAN 7 FEET ARE PERMITTED AS LONG AS THE REQUIRED CEILING HEIGHT IS PROVIDED IN TWO THIRDS OF THE AREA.

INSULATION REQUIMNT: ATTIC SPACE: R-49
EXTERIOR WALLS: R-19+R-5
FLOORS: R-19

SHEET INDEX:

| | |
|------|---|
| CS | COVER SHEET |
| D1.0 | EXIST DEMO FIRST FLOOR PLAN |
| A1.0 | NOTES & SCHEDULES |
| A1.1 | PROPOSED FIRST FLOOR PLAN |
| A1.2 | PROPOSED WINDOW & DOOR SCHEDULES |
| A1.3 | PROPOSED FRONT & BACK ELEVATION |
| A1.4 | PROPOSED LEFT & RIGHT ELEVATION |
| A1.5 | PROPOSED ROOF PLAN |
| S1.0 | FOUNDATION, ROOF AND FLOOR PLAN, AND SECTIONS |
| S1.1 | BRACING PLAN AND NOTES |
| M1.0 | MECHANICAL GENERAL NOTES & DETAILS |
| M1.1 | MECHANICAL EQUIPMENTS |
| M1.2 | MECHANICAL SPACES ZONES & AIR TERMINAL |
| M1.3 | PROPOSED MECHANICAL BASEMENT PLAN & NOTES |
| E1.0 | LEGEND, NOTES & LIGHTING FIXTURE |
| E1.1 | PANEL SCHEDULE |
| E1.2 | ELECTRICAL PLANS |
| E1.3 | ELECTRICAL RISER |
| P1.0 | PLUMBING FLOOR PLAN |
| P1.1 | RISER DIAGRAMS |

VICINITY PLAN



BUILDING FRONT



GOVERNING BUILDING CODES:

| AREA SCHEDULE: |
|--|
| EXISTING FIRST FLOOR AREA: 840 S.F. |
| PROPOSED FIRST FLOOR AREA: 737 S.F. |
| TOTAL EXISTING AREA: (INCL. PROPOSAL): 1637 S.F. |
| TOTAL BUILDING AREA (INCL. PROPOSAL): 1637 S.F. |
| LOT AREA: 7280 S.F. |
| F.A.R.: 22.5% |

BUILDING FRONT

SCOPE OF WORK:

- HOUSE ADDITION & INTERIOR ALTERATION & REPAIR.
- HOUSE ADDITION: NEW COVERED ENTRANCE, TWO NEW BATHROOMS, 2 NEW BEDROOMS AND NEW DECK.
- THE REAR ADDITION SIZE WILL BE 20'-1" X 30'-4"
- THE NEW DECK ADDITION WILL BE 30'-4" X 6'-2"

3(a)

EXH. # 3(a-e)
V-82-22

EXPIRATION DATE:

SHEET: CS

I CERTIFY THAT THESE DOCUMENTS WHERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.
DRAWN BY: M.P. CHECKED BY: ED
PROJECT NO: 22-672-ED
COVER SHEET

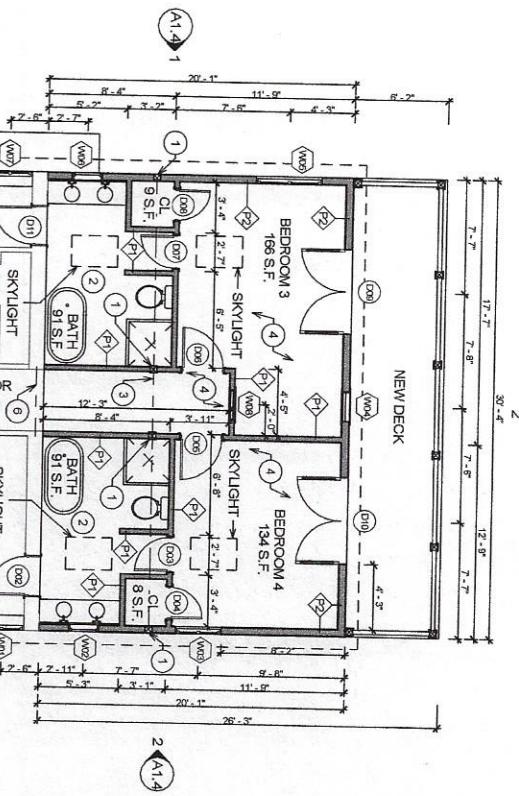


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builddesigninc@gmail.com

BOARD OF APPEALS

APPROVED JAN 25 2023

Administrator



1 PROPOSED FIRST FLOOR PLAN

1/8" = 1'-0"

3(b)

| | | |
|---------------------------------|--|------|
| REMARK | | DATE |
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| ISSUED: 10/20/2022 11:21:59 AM | | |
| SCALE: AS NOTED | | |
| DRAWN BY: MR. C. CHECKED BY: ED | | |
| PROJECT NO: 22-672-ED | | |
| PROPOSED FIRST FLOOR PLAN | | |
| SHEET: A1.1 | | |



LONZANO RESIDENCE

5412 GALLATIN ST. I
HYATTSVILLE MD, 20781
OWNER: DINO LONZANO



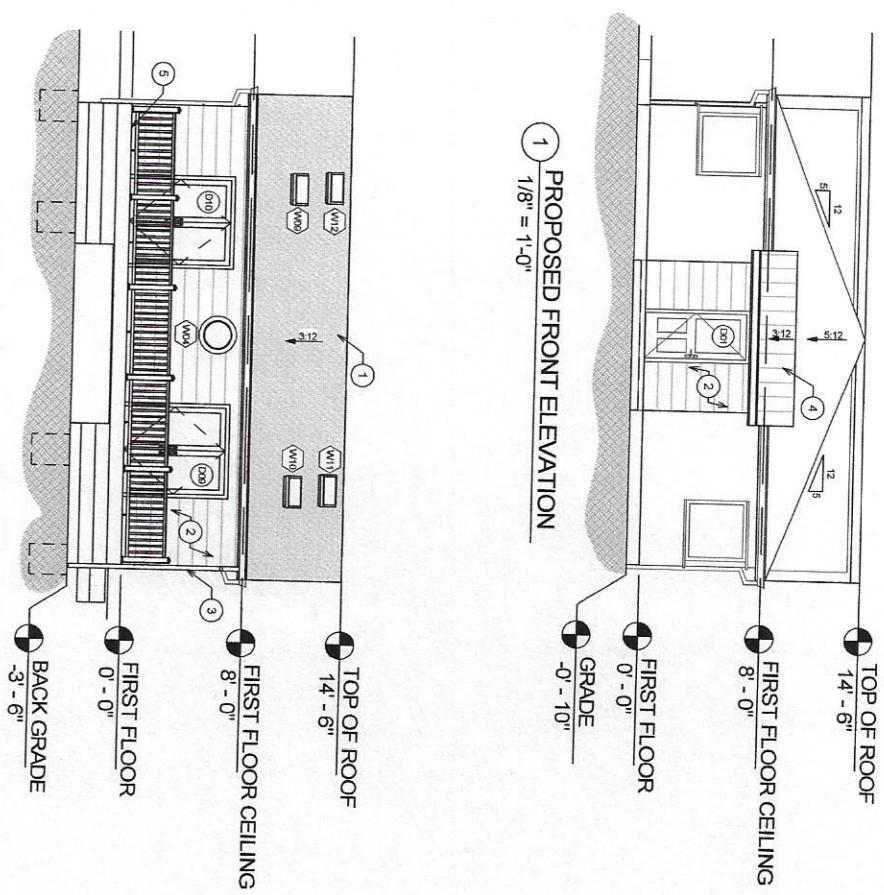
BUILD & DESIGN
CONSTRUCTION INC.
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I CERTIFY THAT THESE DOCUMENTS WHERE
PREPARED OR APPROVED BY ME AND THAT I
AM A DULY LICENSED ARCHITECT UNDER THE
LAWS OF THE STATE OF MARYLAND.
LICENSE No.: _____

BOARD OF APPEALS

APPROVED Jan 25 2023

Administrator



PROPOSED KEY NOTES:

1. NEW 3/12 SHED ROOF OVER ADDITION, ROOF SHINGLES OVER FELT ASPHALT ON 3/4" PLYWOOD. SHINGLES SIMILAR TO EXISTING.
2. NEW 6' EXTERIOR WALL.
3. NEW DOWNSPOUT.
4. NEW 3/12 METAL SEAM ROOF. ROOF SHINGLES OVER 1/2" OZ. PLYWOOD ROOF SHEATHING ON (2) LAYERS OF 30 POUND FELT UNDERLAYMENT.
5. NEW WOOD DECK & RAILING.

| | |
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| I CERTIFY THAT THESE DOCUMENTS WHERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. | |
| REMARK | DATE |
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| ISSUED: 10/06/2022 11:22:20 AM | |
| DRAWN BY: M.P. | CHECKED BY: ED |
| PROJECT NO: 22-672-ED | |
| PROPOSED FRONT & BACK ELEVATION | |
| EXPIRATION DATE: | |
| SHEET: A1.3 | |

LOZANO RESIDENCE

5412 GALLATIN ST,
HYATTSVILLE MD, 20781
OWNER: DINO LOZANO



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BOARD OF APPEALS

APPROVED JAN 25 2023

B. D. Lozano
ADMINISTRATOR

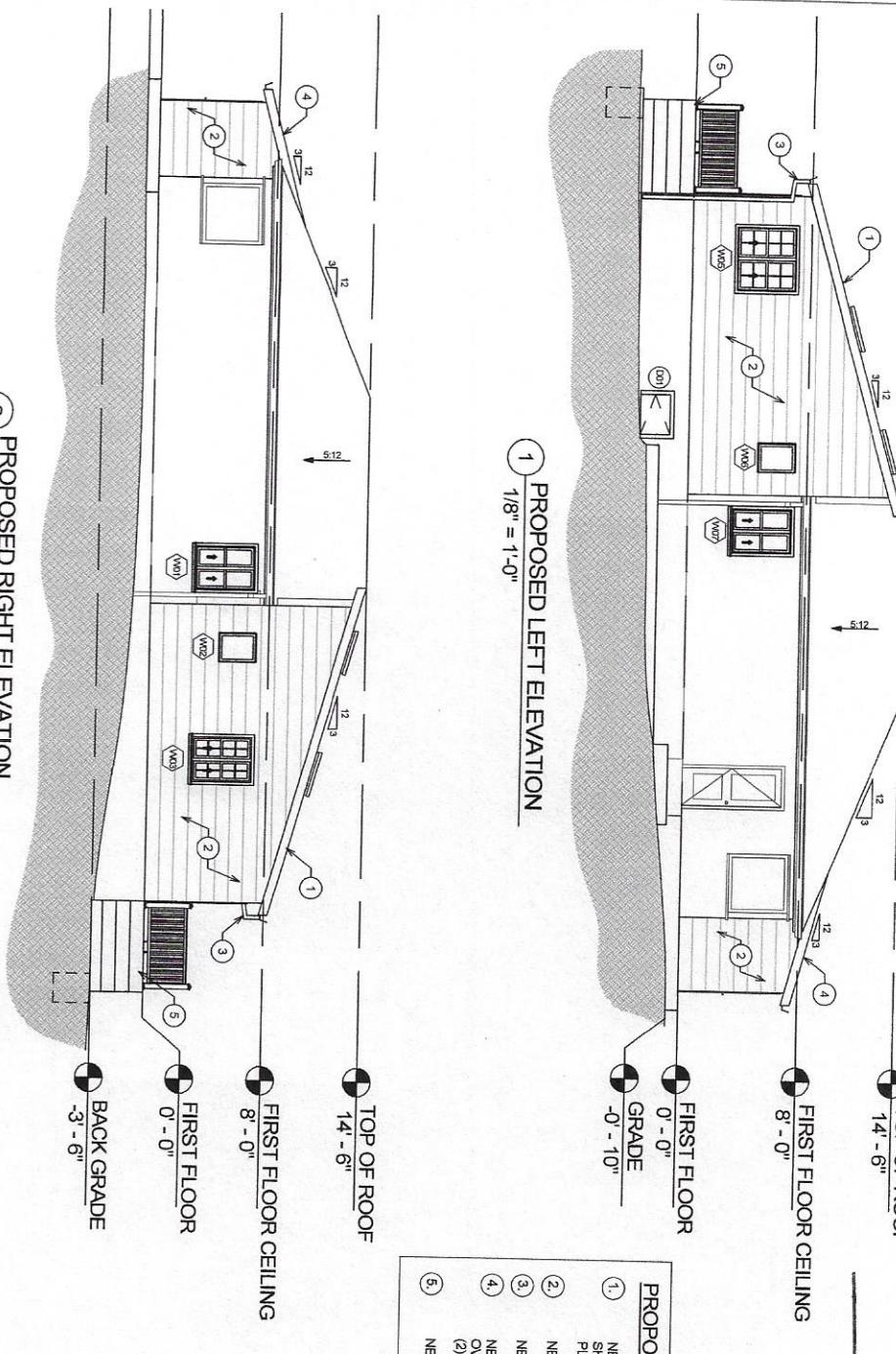
TOP OF ROOF
14'-6"

FIRST FLOOR CEILING
8'-0"

FIRST FLOOR
0'-0"
GRADE
-0'-10"

① PROPOSED LEFT ELEVATION

1/8" = 1'-0"



PROPOSED KEY NOTES:

- ① NEW 3/12 SHED ROOF OVER ADDITION. ROOF SHINGLES OVER FELT ASHTRALON 3/4" PLYWOOD. SHINGLES SIMILAR TO EXISTING.
- ② NEW 6" EXTERIOR WALL.
- ③ NEW DOWNSPOUT.
- ④ NEW 3/12 METAL SEAM ROOF. ROOF SHINGLES OVER 1/2" CDX PLYWOOD ROOF SHEATHING ON (2) LAYERS OF 30 POUND FELT UNDERLAYMENT.
- ⑤ NEW WOOD DECK & RAILING.

② PROPOSED RIGHT ELEVATION

1/8" = 1'-0"

3(d)

| | |
|--|--|
| I CERTIFY THAT THESE DOCUMENTS WHERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. | |
| LICENSURE No.: _____ | |
| EXPIRATION DATE: _____ | |
| SHEET: A1.4 | |

LOZANO RESIDENCE

5412 GALLATIN ST,
HYATTSVILLE MD, 20782
OWNER: DINO LOZANO



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ISSUED: 10/5/2022 11:22:29 AM
SCALE: AS NOTED

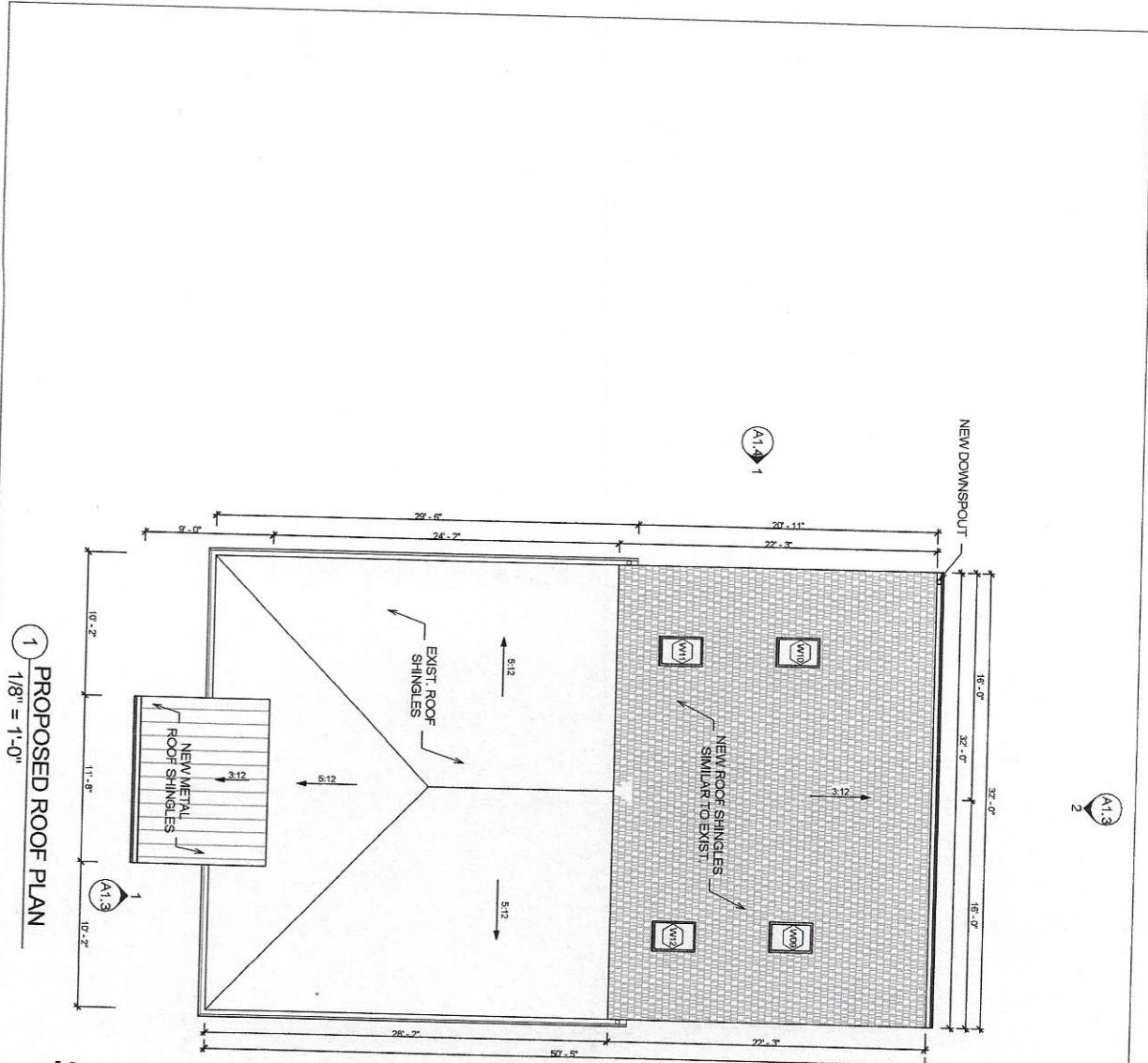
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PROJECT NO: 22-672-ED

PROPOSED LEFT &
RIGHT ELEVATION

BOARD OF APPEALS

APPROVED JAN 25 2023

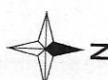
B. Johnson
ADMINISTRATOR



① PROPOSED ROOF PLAN

3(e)

| | |
|---|-------|
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| LICENCE NO. _____ | |
| EXPIRATION DATE | _____ |
| SHEET: A1.5 | |



LOZANO RESIDENCE

5412 GALLATIN ST,
HYATTSVILLE MD, 20781

OWNER: DINO LOZANO



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REMARK
DATE
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SCALE: AS NOTED
DRAWN BY: M.P. (CHECKED BY: ED)
PROJECT NO. 22-672-ED
PROPOSED ROOF PLAN