



# 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-85-22 Elmer Alexander Umana

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 March 6, 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 standard font, followed by the title "Administrator".

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: Elmer Alexander Umana

Appeal No.: V-85-22

Subject Property: Lot 15, Block A, Roger Heights Subdivision, being 5508 Decatur Street,  
Hyattsville, Prince George's County, Maryland

Witnesses: Elmer Alexander Umana (Petitioner),

Spanish Interpreter: Ernesto Luna

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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-4202(e)(1) which prescribes that not more than 35% of the net lot area shall be covered by buildings and off-street parking; Section 27-4202(e)(2) which prescribes that each lot shall have a front yard at least 25 feet in depth; Section 27-4202(e)(3) which prescribes that each lot shall have a side yard at least 8 feet in width; and Section 27-4202(e) which prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Petitioner proposes to validate existing conditions (side yard width and net lot area) and obtain a building permit for the construction of a covered porch. Variances of 3.8% net lot coverage, 5.4 feet front yard depth, 1-foot right side yard width, and 700 square feet net lot area are requested.

**Evidence Presented**

1. Ernesto Luna, an interpreter, assisted Petitioner Elmer Alexander Umana at the hearing.
2. The 5,800-square-foot-property was subdivided in 1941 and is improved with a 1,248-square-foot-home, a shed, and pavement. (Exhibits 2 and 8) The property was placed in the RSF-65 (Residential, Single-Family-65) Zone upon the enactment and effective date of the Countywide Map Amendment. The subject property does not lie within the municipal boundaries of the City of Hyattsville.
3. Petitioner would like to cover the concrete porch area at the front of the modest dwelling but will leave it open on all sides. Safety railing will be installed around the porch and along the stairs into the front yard.
4. The subject property closely resembles an irregularly shaped rectangle that is smaller than surrounding lots and uniquely shaped. (Exhibit 9(a))
5. The covered porch would not detract from the aesthetics of the other homes in the neighborhood. (Exhibits 10 (a)-(c))

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

Due to the property being subdivided in 1941 and developed in conformance with the Ordinance in effect at that time, it does not meet all of the requirements of the current Zoning Ordinance. As a result, the Petitioners cannot cover the concrete porch area in the front of their home, and the existing shed, dwelling and the lot itself must be validated. Variances are therefore requested from the minimum net lot coverage, side yard width, front yard depth and net lot area requirements for the RSF-65 Zone. The variances requested are the minimum required to validate existing conditions and allow the relatively small front porch to be covered. Other surrounding lots are slightly larger and less irregularly shaped than the subject property. The covered porch on the front of the home will not adversely impact the character of the neighborhood shown in the photographs admitted into the record, and granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan. Finally, the practical difficulty is not self-inflicted but results from the platting of the lot and the zoning provisions disproportionate impact on the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 3.8% from the minimum net lot coverage, 700-square-feet from the minimum net lot area, 1 foot from the minimum side yard width, and 5.4 feet from the minimum front yard depth in order to obtain a building permit on the property located at 5508 Decatur 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 (Exhibit 3 (a)-(h)).

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:

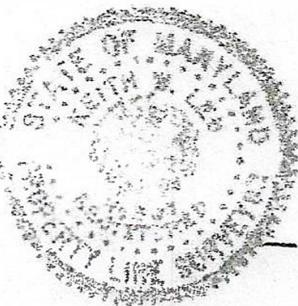
A decision of the Board, permitting the construction of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the construction is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

cc: Petitioners  
Adjoining Property Owners  
Park and Planning Commission

BOARD OF APPEALS

APPROVED JAN 25 2023

ADMINISTRATOR



CONSUMER INFORMATION NOTES:

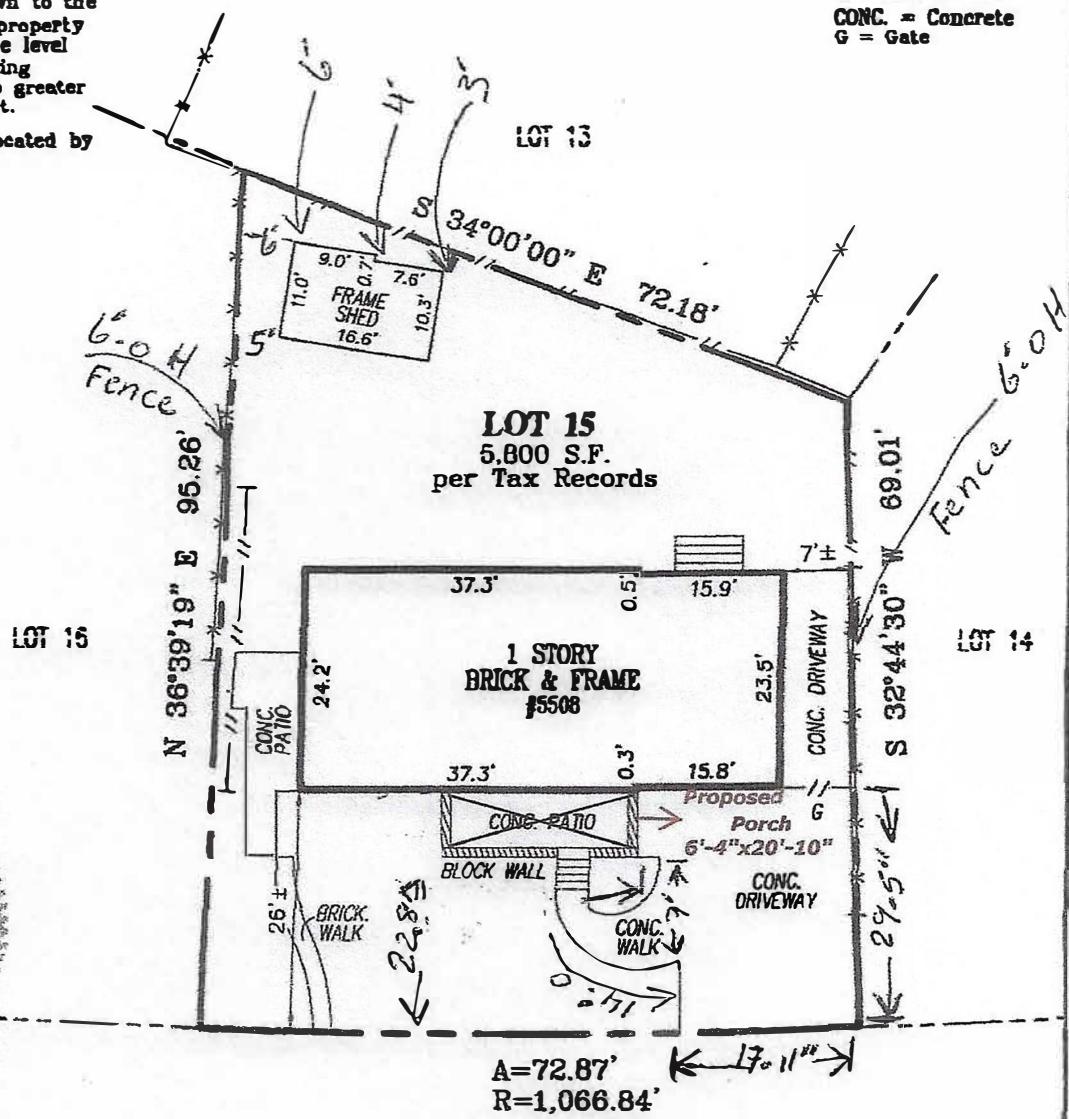
- This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
- This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- 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.
- Any building line and/or Flood Zone information, if shown, is taken from available sources and is subject to interpretation of originator.
- No Title Report furnished.

Notes:

- 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 2 feet.
- Fences, as shown, were located by approximate methods.

Abbreviations:

CONC. = Concrete  
G = Gate



LOCATION DRAWING

LOT 15 ~ BLOCK A  
ROGERS HEIGHTS

PRINCE GEORGE'S COUNTY, MARYLAND

DECATUR STREET

(60' R/W)

SURVEYOR'S CERTIFICATE		REFERENCES
<p>THE INFORMATION SHOWN HEREIN 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 USES OF APPARENT OCCUPATION.</p> <p><i>[Signature]</i></p> <p>MARYLAND PROPERTY SURVEYOR 592 Expires: 04-07-2023</p>		
PLAT BK.	9	
PLAT NO.	21	
LIBER FOLIO		

SNIDER & ASSOCIATES  
LAND SURVEYORS  
10544 Amaranth Drive  
Germantown, Maryland 20874  
301/948-5100 Fax 301/948-1266  
WWW.SNIDERSURVEYS.COM

DATE OF LOCATIONS	SCALE: 1" = 20'
WALL CHECK:	RECORDS BY TON
HME. LOC.: 10-21-22	EXH. # 2 V-85-22 03443-HL

## Construction Notes

1. ALL EXISTING CONSTRUCTION TO REMAIN IS TO BE PROTECTED DURING THE CONSTRUCTION PROCESS. CONTRACTOR TO PROVIDE ARCHITECT WITH PUNCH LIST OF ALL EXISTING DAMAGE AND NON FUNCTIONING EQUIPMENT PRIOR TO THE START OF CONSTRUCTION.
2. ANY DAMAGE TO THE NEW OR EXISTING CONSTRUCTION CAUSED BY THE CONTRACTOR'S NEGLIGENCE OR INADEQUATE PROTECTION OR SECURITY MEASURES DURING CONSTRUCTION ARE TO BE CORRECTED AT THE CONTRACTOR'S EXPENSE.
3. ALL INTERIOR PARTITIONS SHALL BE 2"x 4" WD. STUDS @ 16" O.C.  
W/1/2" GYP. BOARD BOTH SIDES.
4. ALL DIMENSIONS ARE TO FINISHED WALL SIZES U.N.O.
5. PROVIDE SOLID WOOD BLOCKING IN WALLS FOR CABINETRY, TOILET ROOM ACCESSORIES, HANDRAILS ETC. COORDINATE W/ARCHITECT AND OWNER.
6. ALL FLOOR MATERIAL CHANGES BETWEEN ROOMS SHALL BE FLUSH AND OCCUR AT CENTERLINE OF DOOR IN CLOSED POSITION. PROVIDE SCHLUTER EDGE TRIM WHEN ABUTTING TILE W/DISIMILAR MATERIALS
7. DOORS SHALL BE LOCATED 6" FROM PERPENDICULAR WALL PLANE ON HINGED SIDE TYP. U.N.O.

## Specifications

### ROUGH CARPENTRY

\*ALL FRAMING WOOD WOULD BE SYP #2 OR BETTER. FB=975 PSI E=1.6 X 10  
\*ALL LAMINATED VENEER LUMBER BEAMS-LVLs ; WILL BE MICROLLAM LVL. ; FB=2600 PSI E=1.9 X 10  
\*ALL RAFTERS AND CEILING JOISTS SPF#2. FB=963 PSI E=1.4 X 10

### FINISH CARPENTRY

SOFTWOOD LUMBER: PS20, CUSTOM GRADE  
HARDWOOD LUMBER: FS MM-L-736, CUSTOM GRDE. WOOD SPECIES TO BE WHITE OAK  
OR POLAR

### SHEET MEMBRANE WATERPROOFING

NOBLE SEAL TS. BY THE NOBLE COMPANY OR EQUAL.

### BOARD INSULATION

POLYSTYRENE: TYPE A. MINIMUM 30 PSI  
COMPRESSIVE STRENGTH.

### BATT AND BLANKET INSULATION

BATT INSULATION W/ REFLECTIVE ALUMINUM FOIL MEMBRANE ON ONE SIDE.

### ROOFING

BITUMINOUS BUILT UP ROOFING TO MATCH EXISTING.

### IV. GENERAL

- A. ALL CONSTRUCTION TO COMPLY WITH ALL LOCAL & NATIONAL CODE REQUIREMENTS, ALL COUNTY REQUIREMENTS & STANDARD CONSTRUCTION PRACTICE.IRC 2018
- B. ASSUMED SOIL BEARING CAPACITY 1,500 PSF.
- C. ALL WATERPROOFING, ELECTRICAL, AND MECHANICAL WORK RELATED TO THE STRUCTURE IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- D. THESE DRAWINGS ARE INTENDED TO BE A BUILDER SET, FOR THE PURPOSE OF OBTAINING A BUILDING PERMIT, AND FOR GENERAL CONCEPTUAL ARCHITECTURAL AND STRUCTURAL LAYOUT. THE BUILDER SHALL MAINTAIN SUFFICIENT ALLOCATION FOR COMPLETING THE WORK AS REQUIRED IN COMPLIANCE WITH ALL CODE REQUIREMENTS, MAKING ALL NECESSARY FIELD ADJUSTMENTS AS NECESSARY, AND SETTING UP AS SCHEDULE OF ALLOWANCES FOR ALL MATERIAL ITEMS AS NECESSARY, INCLUDING BUT NOT LIMITED TO ALL FLOOR FINISHES, TRIM, WINDOWS, DOORS, ETC.
- E. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR PROVIDING A SEALED WATERPROOF HOUSE, COMPLYING WITH ALL CODE REQUIREMENTS, AND SHALL COMPLY WITH ALL CODES AND STANDARDS TO INSURE A SEALED & WATERPROOFED DESIGN. USE CERTIFIED APPLICATORS, AND PROVIDE ANY NECESSARY REQUIREMENTS TO THE COUNTY.
- F. CONTRACTOR SHALL LAYOUT THE PROPERTY LINE PRIOR TO THE START OF ANY WORK, V.I.F. 15'-0" SET BACK, AND MAKE ANY NECESSARY ADJUSTMENTS TO DESIGN LAYOUT AND CONFIGURATION
- G. CONTRACTOR SHALL MAKE ANY/ALL NECESSARY ADJUSTMENTS TO ROOF CONSTRUCTION & NOTIFY TRUSS MANUF. PRIOR TO TRUSS FABRICATION.

APPROVED JAN 25 2023

## BOARD OF APPEALS

IRC 2018

3(A)

100	ELMER	5508 DECATUR ST HYATTSVILLE MD	GENERAL NOTES	NOTICE OF PERMIT TO WORK BY CONTRACTOR ZONING BY PERMIT
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EXH. # 3(A-H)  
V-85-22

## DESIGN NOTES

### I. DESIGN LIVE LOADS FOR NEW WORK

#### A. ROOF LIVE LOAD

1. GROUND SNOW LOAD = 30 PSF

#### B. FLOOR LIVE LOADS

1. BEDROOMS = 30 PSF  
2. DWELLING AREAS = 40 PSF  
3. STARS = 100 PSF  
5. HANDRAILS = 10 PLF LATERAL OR 300 LBS  
POINT LOAD IN ANY DIRECTION.

#### C. WIND LOAD

1. BASIC WIND SPEED = 114 MPH

THE STRUCTURE IS DESIGNED IN ACCORDANCE WITH IRC 2018 CODE

\*ALL FRAMING WOOD WOULD BE SYP #2 OR BETTER.  $F_b = 975 \text{ PSI}$   $E = 1.6 \times 10^4$   
\*ALL LAMINATED VENEER LUMBER BEAMS-LVL : WILL BE MICROLAM LVL ;  $F_b = 2600 \text{ PSI}$   $E = 1.9 \times 10^4$   
\*ALL RAFTERS AND CEILING JOISTS SPF#2.  $F_b = 953 \text{ PSI}$   $E = 1.4 \times 10^4$

D. LINTEL SIZE: 4 x 4 x 1/4 TYPICAL AT BRICK VENEER.

### II. WOOD

A. ALL JOIST, BEAM AND POST TIMBER GRADES TO BE SPF#2 PER NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION. NFPA. ALL STUDS SHALL BE SP#2 OR BETTER. ALL WOOD EMBERS SHALL BE MANUFACTURED TO COMPLY WITH PS20 OF "AMERICAN SOFTWOOD LUMBER STANDARDS" AND SHALL HAVE 19% MAXIMUM MOISTURE CONTENT.

B. MINIMUM MEMBER PROPERTIES SHALL BE AS FOLLOWS

1. WOOD LINTELS, JOISTS AND BEAMS  
a) FLEXURE:  $F_b = 1200 \text{ PSI}$  (REPETITIVE)  
 $F_c = 1050 \text{ PSI}$  (SINGLE MEM.)  
b) SHEAR:  $F_v = 75 \text{ PSI}$   
c) MODULUS OF ELASTICITY =  $1.5 \times 10^8 \text{ PSI}$

#### 2. POSTS

c) COMPRESSION PARALLEL:  $F_c = 1300 \text{ PSI}$   
b) MODULUS OF ELASTICITY =  $1.5 \times 10^8 \text{ PSI}$

#### 3. WALL STUD

c) FLEXURE:  $F_b = 775 \text{ PSI}$  (REPETITIVE)  
 $F_c = 675 \text{ PSI}$  (SINGLE MEM.)  
b) SHEAR:  $F_v = 425 \text{ PSI}$   
c) MODULUS OF ELASTICITY =  $1.2 \times 10^8 \text{ PSI}$

C. ALL WALL STUDS ARE TO BE 2 x 4's SPACED AT 16" O.C. (U.N.O.). PLACED DOUBLE STUDS AT END OF WALLS AND TRIPLE STUDS AT INTERSECTIONS AND CORNERS.

D. ALL ROOF SHEATHING SHALL BE GRADE C-C, C-D, OR STRUCTURAL II PER THE "AMERICAN PLYWOOD ASSOCIATION".

E. ALL PLYWOOD SUBFLOORING SHALL BE 3/4-INCH THICK T&G APA RATED 32/16 SHEATHING ON STURO-I-FLOOR 20 O.C. RATED.

F. LAMINATED VENEER LUMBER SHALL BE INSTALLED AND FASTENED PER THE MANUFACTURER'S RECOMMENDATIONS. MEMBER PROPERTIES SHALL BE AS FOLLOWS:

1. FLEXURE:  $F_b = 2800 \text{ PSI}$   
2. SHEAR:  $F_v = 285 \text{ PSI}$   
3. MODULUS OF ELASTICITY:  $E = 2.0 \times 10^6 \text{ PSI}$

G. PROVIDE MINIMUM 3" BEARING FOR ALL LAMINATED VENEER BEAMS, 2" BEARING FOR STANDARD LUMBER BEAMS.

H. ALL WOOD TOP PLATE SPLICES SHALL BE STAGGERED 6'-0" MINIMUM.

I. ALL WALL SHEATHING SHALL BE CONTINUOUS BETWEEN TOP PLATES AND BOTTOM PLATE OF WALL ABOVE.

J. ALL MULTIPLE MEMBERS ARE TO BE FASTENED TOGETHER WITH 160 NAILS AT 12" O.C. TWO ROWS FOR BEAMS 9"-12" DEEP. THREE ROWS FOR BEAMS 14"-18" DEEP (STAGGERED).

K. PROVIDE SOJO BLOCKING BETWEEN JOISTS AND RAFTERS AT ALL BEARING POINTS.

L. ALL MISCELLANEOUS WOOD CONNECTIONS SHALL BE FASTENED WITH TABLE R602.3(1) OF THE 2018 IRC

M. DOUBLE JOISTS SHALL BE LOCATED BENEATH ALL PARTITIONS WHEN THE LENGTH OF THE PARTITION EXCEEDS 1/2 THE SPAN.

N. ALL LINTELS TO BE TWO (2 x 12) (U.N.O.) SUPPORTED ON DOUBLE STUDS. DOUBLE STUDS SHALL BE NAILED TOGETHER WITH 100 AT 6" O.C.

O. JOIST HANGERS SHALL BE SIZED ACCORDING TO THE FOLLOWING SCHEDULE:

SUPPORTED MEMBER	REQUIRED HANGER CAPACITY (LBS)
2 x 8	650
2 x 10	825
2 x 12	1000
1-3/4" x 9-1/2" LAM. VENEER BEAMS	3150
1-3/4" x 11-7/8" LAM. VENEER BEAMS	3925
1-3/4" x 14" LAM. VENEER BEAMS	4650

TABLE VALUES SHALL BE MULTIPLIED BY THE NUMBER OF MEMBERS FASTENED TOGETHER FOR ALL MULTIPLE MEMBERS.

## BOARD OF APPEALS

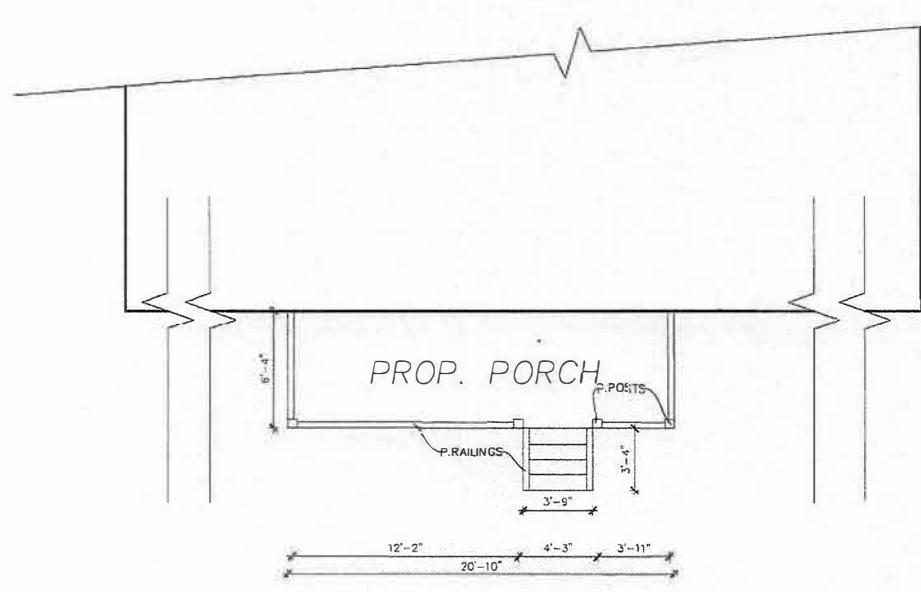
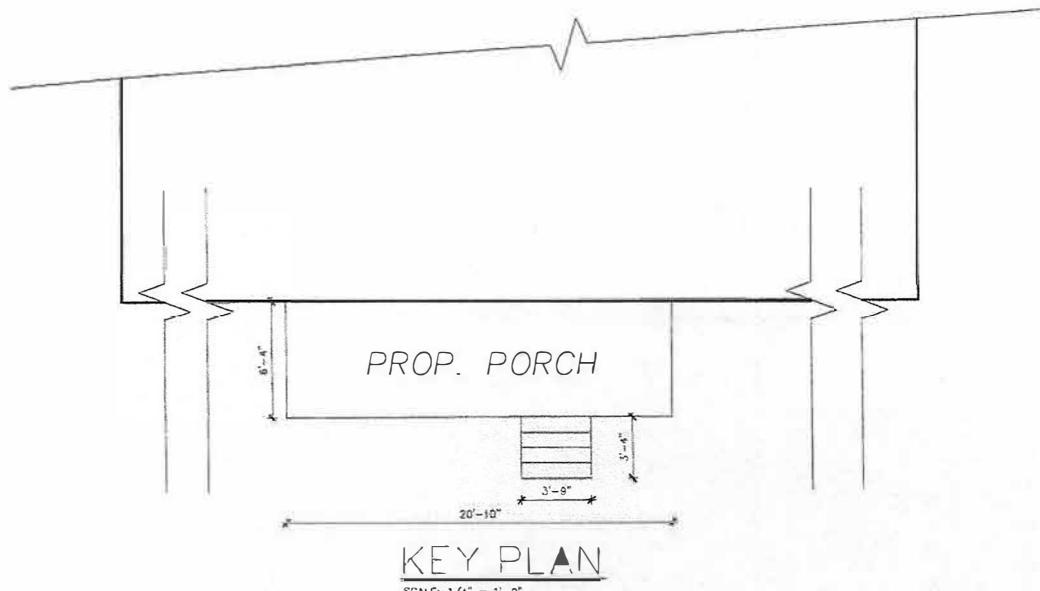
APPROVED JAN 25 2018

  
BOARD OF APPEALS  
ADMINISTRATOR

IRC 2018

3(B)

5/17/2018	DATE OF APPROVAL
ELMER	APPLICANT
5508 DECATUR ST	ADDRESS
HYATTSVILLE MD	CITY, STATE, ZIP



BOARD OF APPEALS

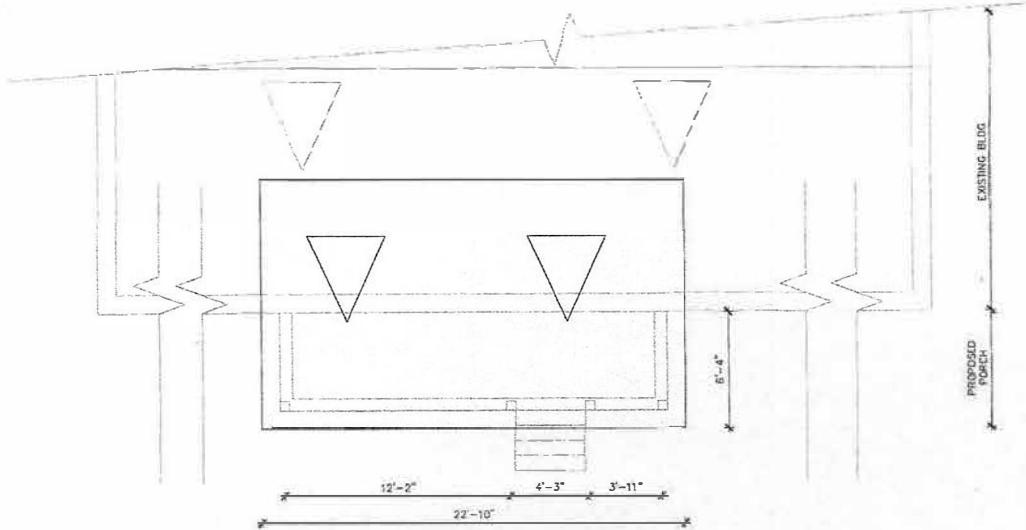
APPROVED JAN 25 2023

*[Signature]*  
ADMINISTRATOR

IRC 2018

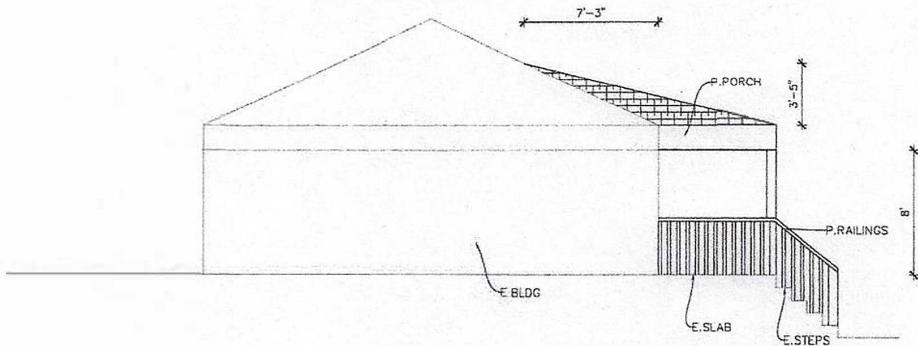
**3(C)**

1001	ELMER	5508 DECATUR ST HYATTSVILLE MD	P. PORCH	1052-272-15 2020-09-27-11 J.B. SMITH/00
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## P. ROOF LAYOUT

SCALE 1/4" = 1'-0"



P. LEFT ELEVATION

SCALE: 1/4" = 1'-0"

## BOARD OF APPEALS

APPROVED JAN 25 2023

Administrator

3(D)

IRC 2018

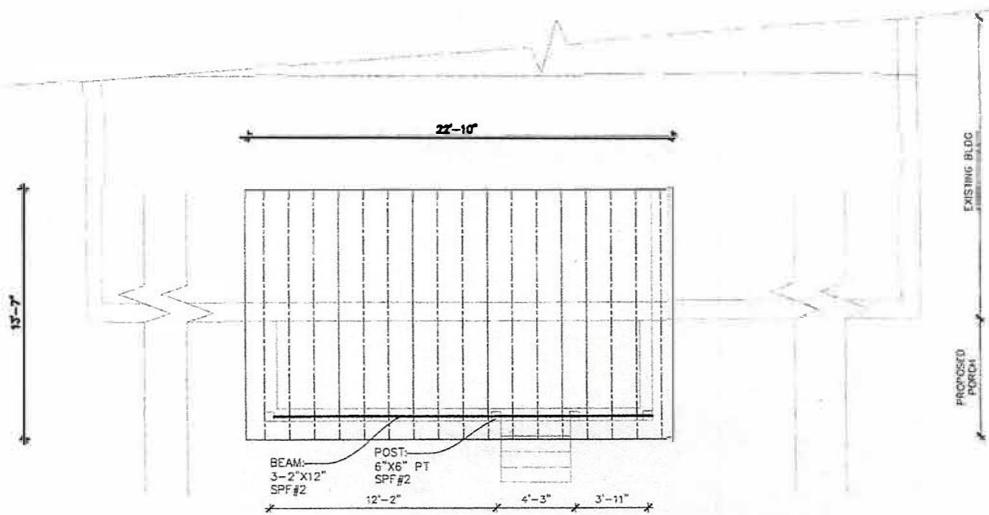
A003

ELMER

5508 DECATUR ST  
HYATTSVILLE MD

P. LEFT

DRAWING BY  
MR. G. W. MITCHELL  
5714243301



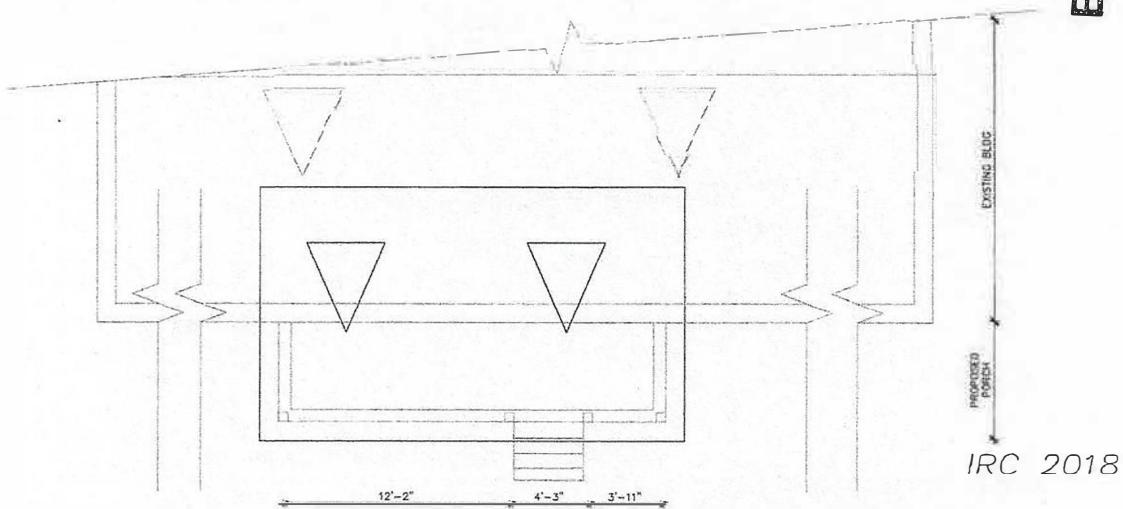
P. ROOF FRAMING

SCALE: 1/4" = 1'-0"

**BOARD OF APPEALS**

APPROVED JAN 25 2023

*[Signature]*  
ADMINISTRATOR



P. ROOF LAYOUT

SCALE: 1/4" = 1'-0"

IRC 2018

**3(E)**

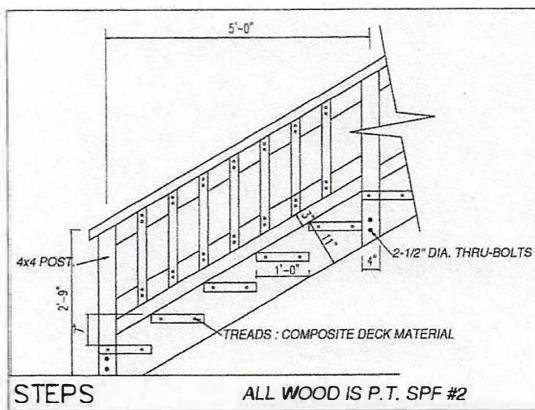
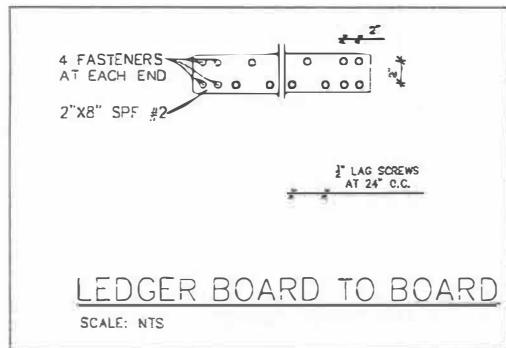
AO04
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ELMER

5508 DECATUR ST  
HYATTSVILLE MD

P. ROOF FRAMING

LOOSE PEGS
POSTURE 3.500
LG SWING DOOR
DOOR SV 3.750

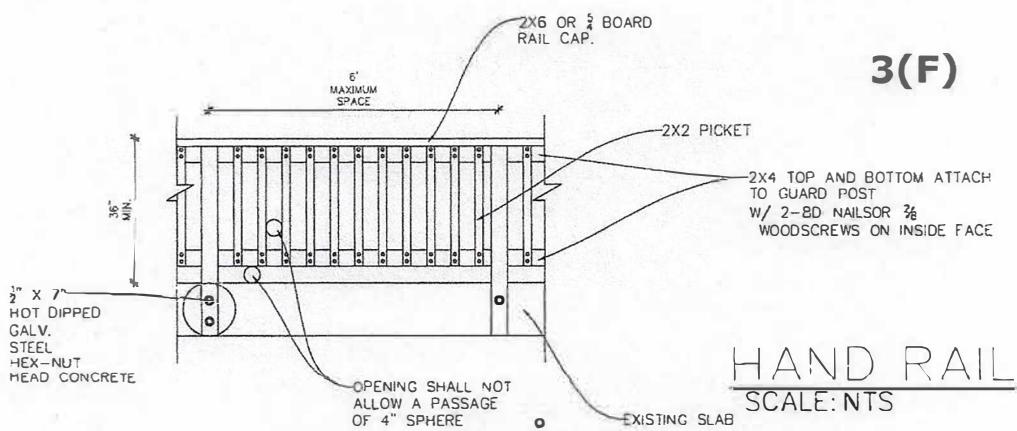


BOARD OF APPEALS

APPROVED *[Signature]* JAN 25 2023

*[Signature]*  
ADMINISTRATOR

3(F)



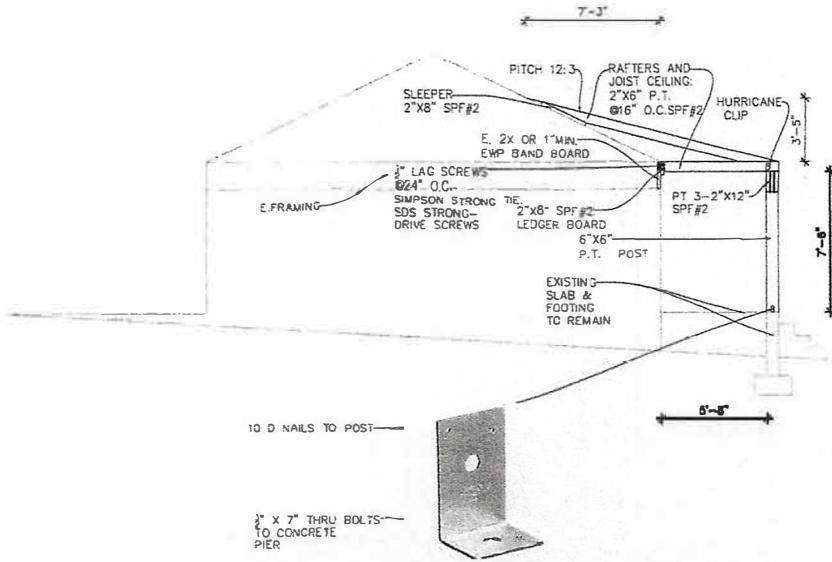
A006

ELMER

5508 DECATUR ST  
HYATTSVILLE MD

HAND RAIL

FOR F1241	57
ZAMBELLO & MURRAY	57
2008 CMMRZ	57
ELMER 3750	57



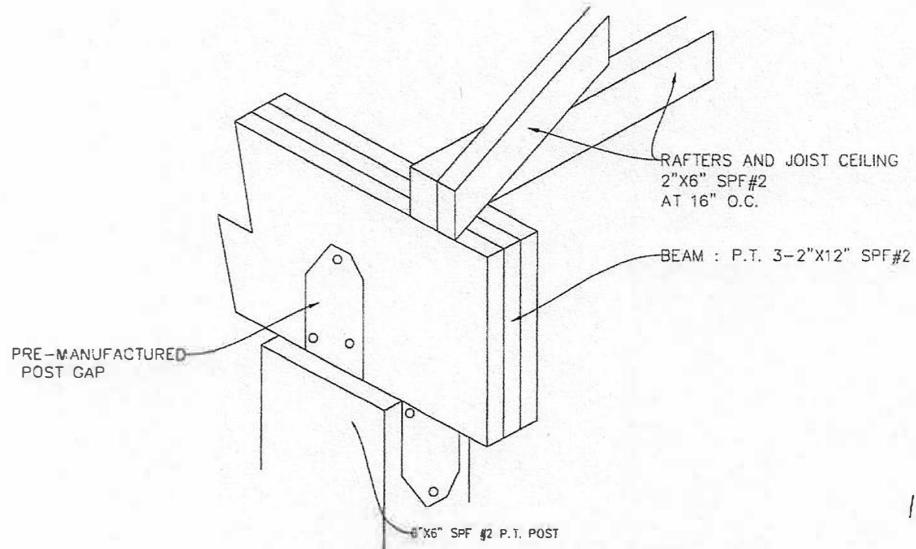
**SECTION**

SCALE: 1/4" = 1'-0"

**BOARD OF APPEALS**

**APPROVED** JAN 25 2023

*[Signature]*  
ADMINISTRATOR



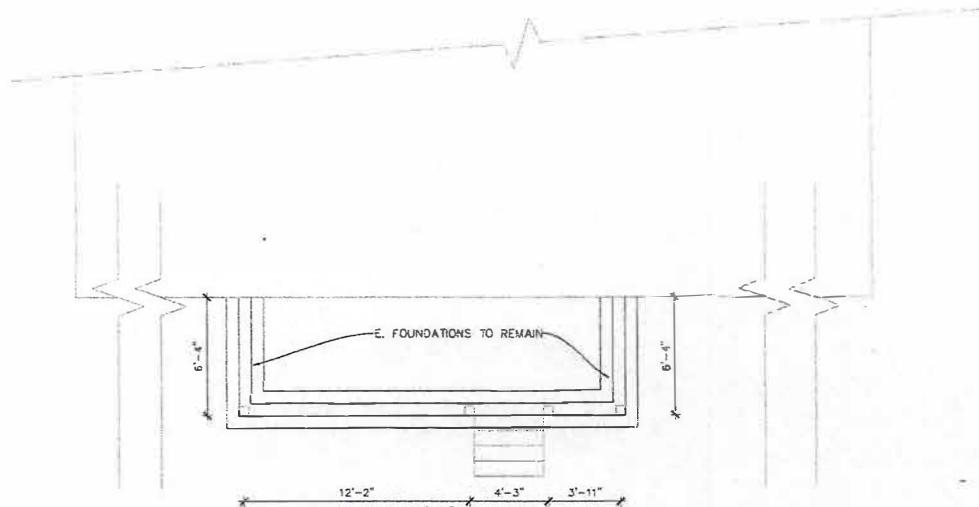
**3(G)**

IRC 2018

CONEC. POST TO BEAM

SCALE: NTS

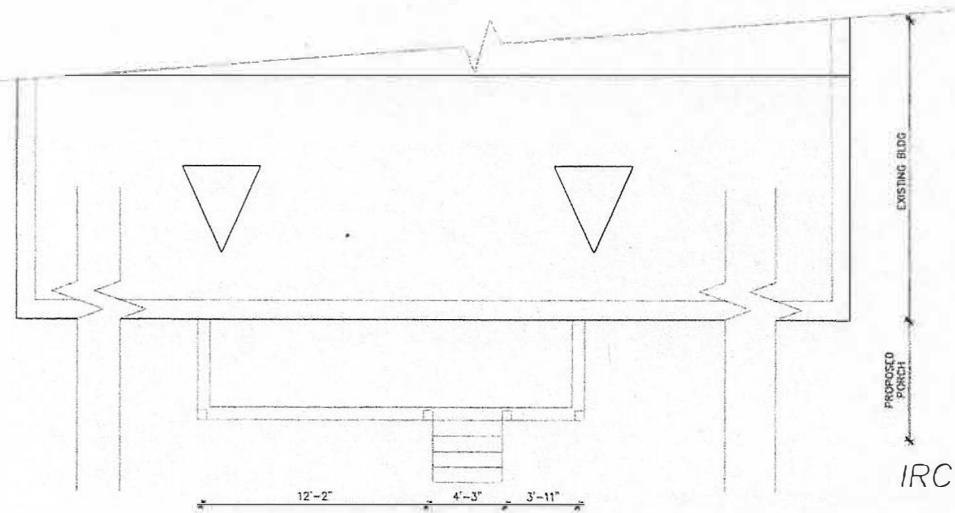
4005	ELMER	5508 DECATUR ST HYATTSVILLE MD	SECTION	10SF-271/LC Zoning & Zoning LIC. DRAWINGS	GLDN 27-07752 Zoning & Zoning LIC. DRAWINGS
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**BOARD OF APPEALS**

APPROVED JAN 25 2013

*John G. Gaskins*  
ADMINISTRATOR



IRC 2018

**3(H)**

**E. ROOF LAYOUT**

SCALE: 1/4" = 1'-0"

**P. FOUNDATION**

57443301  
ZIMBERG, JR., INC.  
100 W. CHAMBERS ST.  
SUITE 1000  
PHILADELPHIA, PA 19101