



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

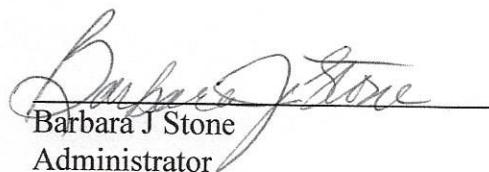
OF BOARD OF APPEALS

RE: Case No. V-18-20 Maria Aviles de Acre

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: October 28, 2020

CERTIFICATE OF SERVICE

This is to certify that on June 4, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



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: Maria Aviles de Arce

Appeal No.: V-18-20

Subject Property: Map 050, Grid A1, P/O Lot 38, R.P. Evans Addition to Hyattsville Subdivision, being
5004 38th Avenue, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Spanish Language Interpreter: Ruben Sotogomez

Heard and Decided: October 28, 2020

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
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 a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to validate existing conditions (side yard width and accessory building/shed) and obtain a building permit for the unauthorized construction of one-story addition. A variance of 4 feet side yard width and 2 feet side lot line setback are requested.

Evidence Presented

1. The property was subdivided in 1936, contains 15,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (G).

2. Petitioner would like to validate existing conditions (side yard width and accessory building/shed side yard setback) and obtain a building permit for the unauthorized construction of one-story addition. In order to obtain the building permit, the side yard width and accessor building/shed must be validated. Because the side yard does not meet the required 8 feet for the dwelling, a variance of 4 feet side yard width is required. An accessory building must provide at least 2 feet on each side abutting a property line. Because the shed was built directly on the side property line, a variance of 2 feet side lot line setback is required. Exhs. 2, 4, 8, 9 and 10 (A) thru (G).

3. Petitioner explained that when she purchased the property 8 years ago, the house was in "bad shape." The house had existing water damage from leaks that had to be resolved. She further explained that the one-story addition was part of the repairs and renovation of the dwelling. Exhs. 2, 3 (A) thru (E), 5 (A) thru (D) and 17 (A) thru (G).

4. She stated that the rear yard location of the shed was in place when she purchased the property.
Exh. 2.

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

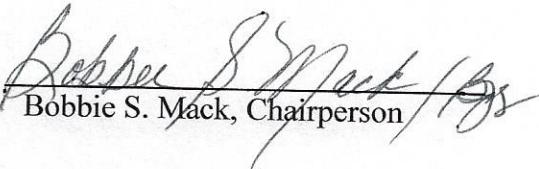
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the dwelling being in disrepair and in need of total reconstruction which included the addition, the need to abate water issues, the need to validate existing property conditions in order to obtain building permits 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, unanimously, that variances of 4 feet side yard width and 2 feet side lot line setback in order to validate existing conditions (side yard width and accessory building/shed) and obtain a building permit for the unauthorized construction of one-story addition. on the property located at 5004 38th 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 plans, Exhibits 3 (A) thru (E).

BOARD OF ZONING APPEALS

By:

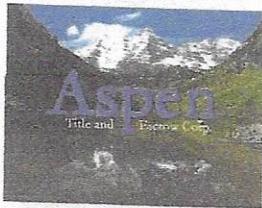

Bobbie S. Mack, ChairpersonNOTICE

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.

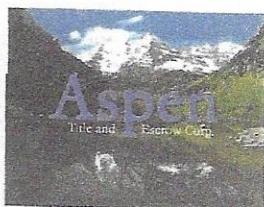
Further, Section 27-233(a) of the Prince George's County Code states:

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.

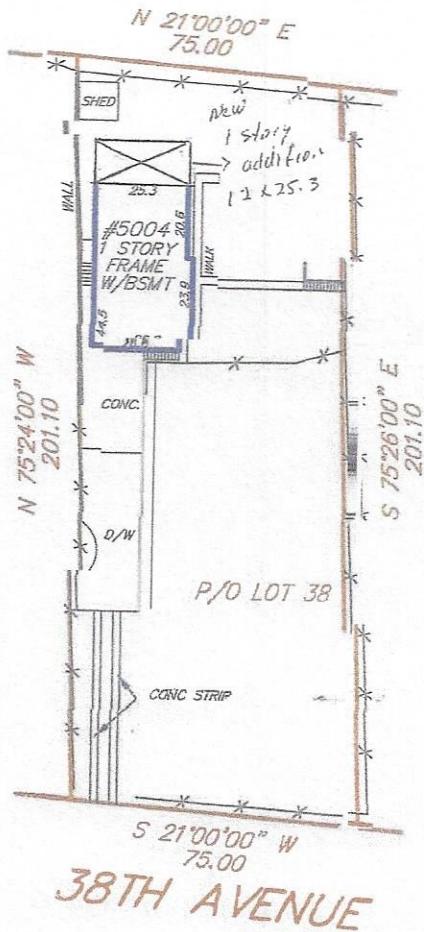
THIS DOCUMENT CERTIFIED TO:



CASE #: 130193JR



NOTE:
ENCROACHMENTS
MAY EXIST



38TH AVENUE

EXH. # 2
V-18-20

BOARD OF APPEALS

APPROVED OCT 28 2020

John Stone
John Stone
ADMINISTRATOR

LOCATION DRAWING OF:

#5004 38TH AVENUE

P/O LOT 38

**R.P. EVAN'S ADDITION TO
HYATTSVILLE**

PLAT BOOK A, PAGE 27

LIBER: 19687 FOLIO: 621

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"-40' DATE: 4-23-13

DRAWN BY: BG/AP FILE #: 131630-414

LEGEND:

-X - FENCE
B/E - BASEMENT ENTRANCE
D/W - DAY WINDOW
BR - BRICK
RPL - RECORD PERTINENT LINE
BSMT - BASEMENT
C/S - CONCRETE STOOP
CONC - CONCRETE
D/W - DRIVEWAY
FR - FRAME
MAC - MACADAM
O/H - OVERHANG
PUE - PUBLIC UTILITY ESMT.

COLOR KEY:

(RED) - RECORD INFORMATION
(BLUE) - IMPROVEMENTS

A Land Surveying Company

DULEY

and
Associates, Inc.

Serving D.C. and MD.

14604 Elm Street, Upper Marlboro, MD 20772

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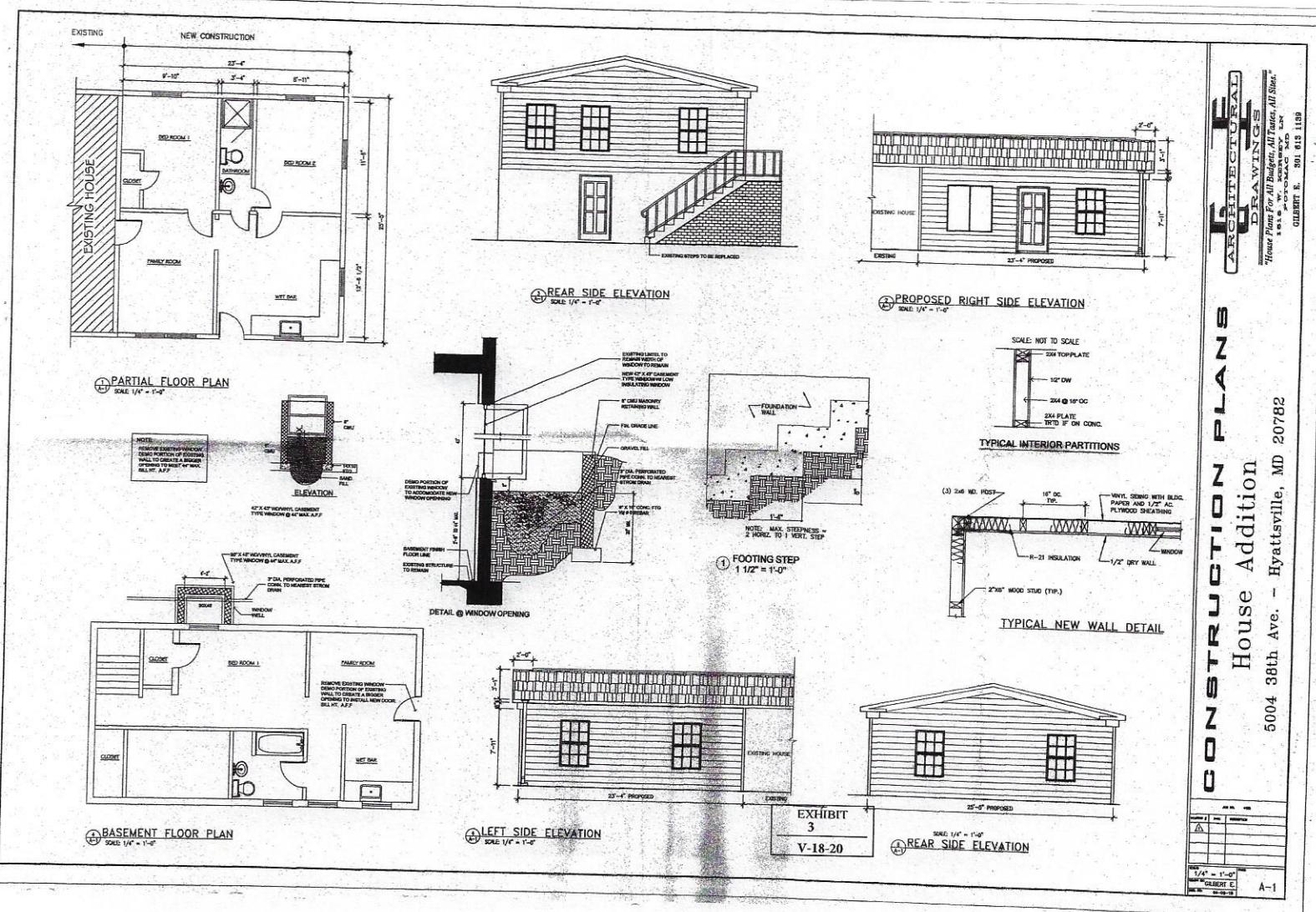
SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 08.13.08 OF THE CODE OF MARYLAND ANNEXED TO THE MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR A CORRECT IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR A CONSUMER PURCHASE AS LONG AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONDUCTING AN INSURANCE-RELATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1'. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAD PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BLDG RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED TEMPORARY MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED TO DETERMINE THE EXACT LOCATION OF IMPROVEMENTS.

DULEY & ASSOC.

WILL GIVE YOU A 100%
FULL CREDIT TO
UPGRADE THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.

(EXCLUDING D.C. & BALTIMORE CITY)



BOARD OF APPEALS

APPROVED OCT 28 2020

B. Stoe
ADMINISTRATOR