



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

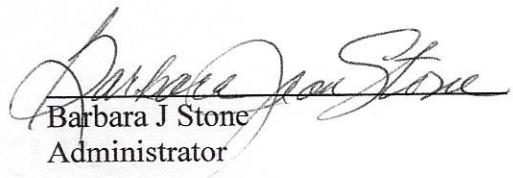
OF BOARD OF APPEALS

RE: Case No. V-20-20 MBNA, LLC

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 February 22, 2021, 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 black 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: MBNA, LLC

Appeal No.: V-20-20

Subject Property: Lot 6, Block2, Chillum Gardens, being 1311 Chillum Road, Hyattsville,
Prince George's County, Maryland

Counsel for Petitioner: Abdullah Hijazi, Hijazi Law Group

Witness: Dominick Dellerba, Neighbor

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 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 a variance from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Petitioner proposes to validate an existing condition (front building line width) and obtain a building permit for the construction of a two-story dwelling, with basement, two-car garage and deck. A variance of 5 feet front building line width is requested.

Evidence Presented

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

1. The property was subdivided in 1935, contains 9,452 square feet, is zoned R-55 (One-Family Detached Residential), and is a vacant, unimproved lot. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) Thru (F).

2. Petitioner proposes to validate an existing condition (front building line width) and obtain a building permit for the construction of a two-story dwelling, with basement, two-car garage and deck. Because Lot 6 was created in 1935, the front building line width is 5 feet short of today's zoning standard of 65 feet. Exhs. 2, 3 and 5 (A) thru (D).

3. Attorney Abdullah Hijazi explained Petitioner's lot was originally 45 feet which met the 1935 the lot width requirement at the time of the creation of the subdivision. He stated that lot width was subsequently widened to its current 60 feet. He stated that the majority of the houses in the subdivision are 60 feet front wide.

4. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line

5. Attorney Hijazi stated that Petitioner is proposing to construct a single-family dwelling on his lot. As such, Petitioner is requesting a five-foot variance to meet the current front building line width.

6. Counsel stated that the entire block, except for this lot and an adjoining lot, are developed. He noted that the Board previously approved an identical variance for Lot 5 also adjoining the subject lot

(V-3-19). He argued that if the variance is not approved, the subject lot will not be a buildable lot. He also stated that if the variance were granted, the subject lot would not be out of character of the neighborhood because 11 of the 16 lots in the same block have a similar 60-foot-wide frontage and would not, therefore, sustainably impair the integrity of the neighborhood. Exhs. 2, 3, 5 (A) thru (D).

4. Mr. Dominick Dellerba testified that he was aware of the proposal for the subject lot as well as the proposal for V-3-19 on adjacent Lot 5. He stated that his residence (Lot 8) abuts the back yard of the subject Lot 6, as well as Lot 5. He further stated that he has a problem with the density in allowing both of these vacant lots to be developed. Exhs. 2 and 4.

5. Attorney Hijazi stated the Mr. Dellerba's Lot 8 has the same frontage (60 feet) as the majority of the neighborhood lots. He argued that Petitioner is not asking for anymore (development) than what Mr. Dellerba has been entitled to for years. He stated that if the other homeowners were to propose any major addition on their neighboring lots, including Mr. Dellerba, they would have the same need for the requested expanding variance. Exh. 2 and 4.

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

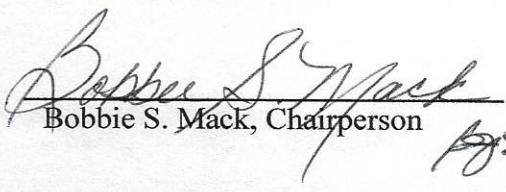
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the lot being created in 1935, not meeting today's front building line standard, 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 variance of 5 feet front building line width in order to validate an existing condition (front building line width) and obtain a building permit for the construction of a two-story dwelling, with basement, two-car garage and deck on the property located at 1311 Chillum Road, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

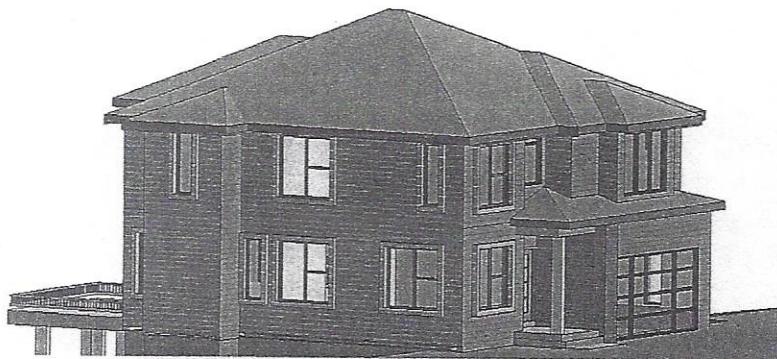

NOTICE

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.

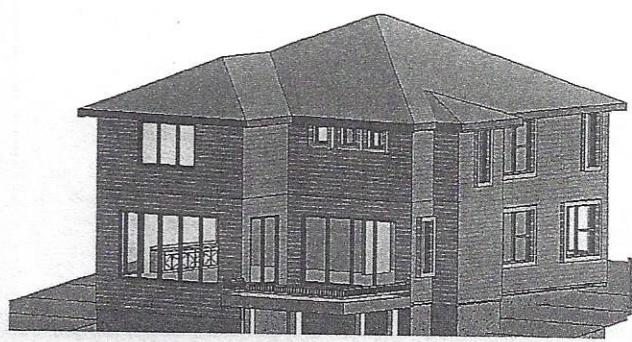
Further, Section 27-233(a) of the Prince George's County Code states:

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.

(a)



(b)



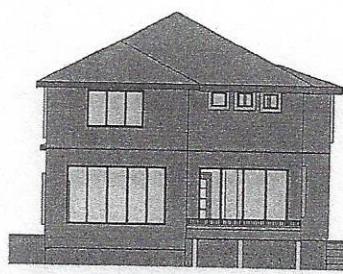
(c)



(d)



(e)



EXH. # 3 (a-e)
V-20-20

BOARD OF APPEALS

APPROVED OCT 28 2020


Administrator

Reference

