



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

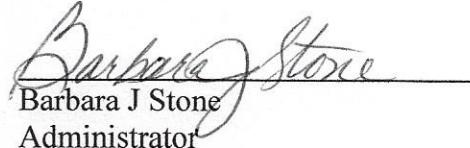
OF BOARD OF APPEALS

RE: Case No. V-78-20 Route 1 Renovations

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: April 14, 2021

CERTIFICATE OF SERVICE

This is to certify that on July 15, 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: Route 1 Renovations, LLC

Appeal No.: V-78-20

Subject Property: Lot 10-A, Block 21-A, Hyattsville Hills Subdivision, being 4013 Madison Street,
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Counsel for Petitioner: Michael Ostroff, Esq.

Witness: Ryan Hehman, Equity Partner, Route 1 Renovations, LLC
Gaver Nichols, Architect/Designer

Heard: March 24, 2021; Decided: April 14, 2021

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) prescribes that each lot shall have a front yard at least twenty-five feet in depth and each corner lot shall have a side yard along the side street at least twenty-five feet in depth and a rear yard at least twenty feet in depth/width. Variances of four feet front yard depth, three feet side street yard depth and three feet rear yard depth/width are requested.

Evidence Presented

1. The property was subdivided in 1935, contains 5,018 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and screen porch. Exhibits (Exhs.) 2, 4 10, 11 and 12 (A) thru (F).

2. The subject property is a corner lot with the dwelling facing the legal front (Madison Street). Exhs. 2, 4,10, 11 and 12 (A) thru (F).

3. Petitioner would like to construct a 12 x 24.6 addition to the rear of the structure. Because the preexisting covered front porch encroaches the front yard setback of twenty-five feet, a variance of four feet is required. Also due to the preexisting screened porch encroaching the side street yard, a variance of three feet is required. Because of the proposed size of the addition in the rear yard, the required rear yard setback of twenty feet will be encroached and require a variance of three feet. Exhs. 2, 3 and 7 (A) thru G).

4. Attorney Michael Ostroff explained that validation of existing conditions and need for the variance related to the proposed construction are necessary before the new 2-story addition may be built. He stated that the addition will consist of the on the first-floor expansion of the kitchen and a small porch and on the second-floor expansion of the master bedroom and adding a third bedroom. Exhs. 2, 3 and 7 (A) thru G).

5. Mr. Ryan Hehman, who is a partner in the Route 1 Renovation, LLC, stated that the property was constructed in 1936 and was purchased by the Petitioner on November 12, 2020. He explained that because the house had fallen in disrepair with water problems in the basement, extensive molding in the kitchen and deterioration of the siding on the house, the dwelling was unlivable. He stated that the intent of the property

purchase was to renovate (and expand) the property for resale. He stated that the original house, which is only seven hundred square feet, has two small bedrooms and one bathroom. He stated that the proposed second floor addition will consist of a modest expansion (12' x 24') of the master bedroom that will extend to the kitchen and add a third bedroom. Exh. 3

6. He observed that because the original house is much smaller than other homes in the neighborhood, at least by four hundred square feet, the dwelling is out of character with neighborhood homes. Exhs. 2, 3 and 7 (A) thru (G).

7. He further stated that the property line on the south side of the house is angled creating a diagonal rear setback line 20 feet from the adjacent property line. He stated that the proposed addition would be rectangular, encroaching the rear setback line by three feet. He contended that the back line of the house would now be equal to the houses adjacent to the subject lot. Exhs. 2, 7 (A) thru (G) and 12 (A) thru (F).

8. He submitted that if the existing conditions were not validated, the dwelling must be "removed."

9. Mr. Hehman testified that he has spoken about the proposal with three of the neighbors, including Ms. Katherine Klaric of 5709 40th Place, who submitted a written a letter of support. Exh. 20.

10. Architect/Designer Gaver Nichols, testified that the house, which is the original home as constructed, is an uninhabitable structure. He stated that on the rear of the house, there are weathered conditions caused by roof rot. He explained that by not granting the variance for the front yard setback, the front porch and steps would have to be taken down resulting in the removal of the front entrance to the house. He stated that the only work that will be performed on the front porch is replacement of the columns and railings for safety. He emphasized that there will be no expansion in size of the front porch. Exhs. 2, 3 and 7 (A) thru G.

11. The City of Hyattsville voted to support the requested variances. Exh. 24.

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 subject property being a corner lot with the dwelling facing the legal front being Madison Street, the uninhabitability of the dwelling, the preexisting location of the dwelling, including the porches, adversely impacting current setback requirements on the corner lot, the angle of the rear lot line, the current extremely small livable size of the home, the original house comparably lesser in size to the neighboring homes, 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 four feet front yard depth, three feet side street yard depth and three feet rear yard depth/width in order to validate and existing condition (front yard depth, side street yard depth and rear yard depth/width) and obtain a building permit for the construction of two-story addition on the property located at 4013 Madison 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, 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.

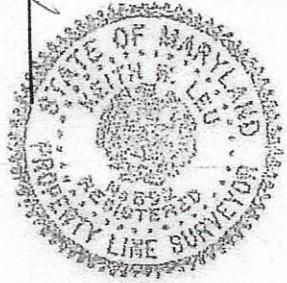
Further, Section 27-233(a) of the Prince George's County Code states:

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.

BOARD OF APPEALS

APPROVED APR 14 2021

B. Stoye
ADMINISTRATOR



LOCATION DRAWING
LOT 10-A, BLOCK 21-A
HYATTSVILLE HILLS
PRINCE GEORGE'S COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE

"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."

K. Stoye
MARYLAND PROPERTY LINE SURVEYOR REG. NO. 592
Expires: 04-04-2021

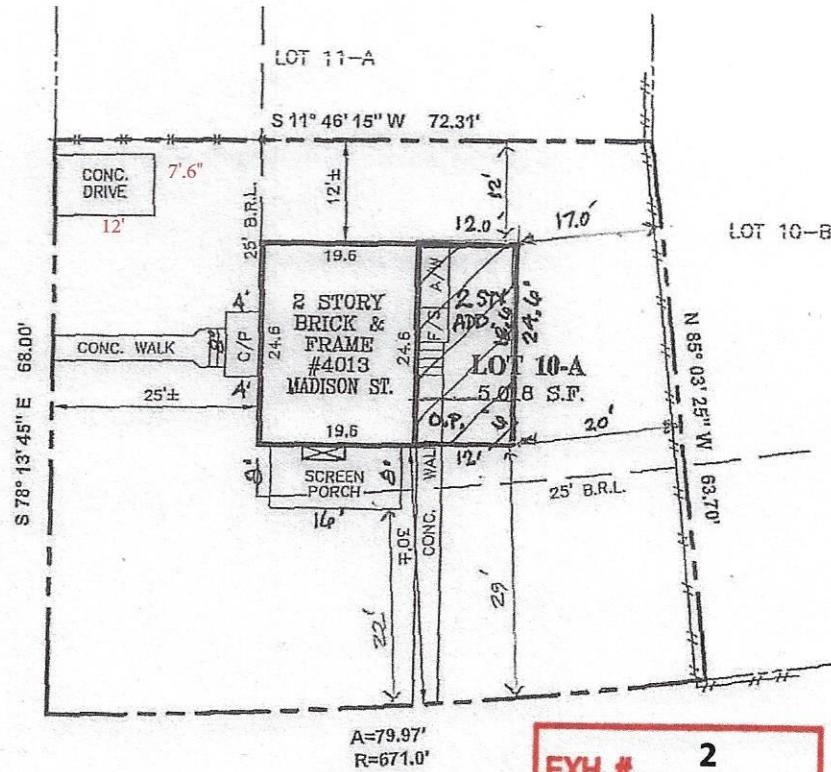
CONSUMER INFORMATION NOTES:

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 2 feet.
No property corners found.
2. Fences, if shown, have been located by approximate methods.

2-STORY ADDITION



40th PLACE
(DRURY ROAD PER PLAT)
(40' R/W)

EXH. # 2
V-78-20



SNIDER & ASSOCIATES
LAND SURVEYORS
18544 Amaranth Drive
Germantown, Maryland 20874
301/948-5100 Fax 301/948-1286
WWW.SNIDERSURVEYS.COM

REFERENCES	DATE OF LOCATIONS	SCALE: 1" = 20'
PLAT BK. 4 PLAT NO. 50	WALL CHECK: HSE. LOC.: 10-16-20	DRAWN BY: D.M.L. JOB NO.: 20-04261HL
LIBER FOLIO		

BOARD OF APPEALS

APPROVED

APR 14 2021

ADMINISTRATOR

ADMINISTRATOR

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SETBACK LINE CREATS A HARDSHIP. WITH ITS UNIQUE LOT SHAPE

EXH. # 3
V-78-20

EXISTENCE OF

