

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: MBNA, LLC

Appeal No.: V-3-19

Subject Property: Lot 5, Block 2, Chillum Gardens Subdivision, being 1313 Chillum Road, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Counsel for Petitioner: Abdulla Hijazi, Esq.

Witnesses: Dominick Dellerba, Neighbor

Heard: February 27, 2019; Decided: March 20, 2019

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 Section 27-442(d)(Table III) under R-55 standards prescribes that each lot shall have a minimum lot width of 65 feet at the front building line and a minimum of 45' lot width at the front street line. Variances of 5 feet front building line and 15 feet front street line¹ is requested.

Evidence Presented

1. The property was subdivided in 1935, contains 7,496 square feet, is zoned R-55 (One-Family Detached Residential). The subject property is currently unimproved. Exhibit (Exhs.) 2, 4, 8, 9 and 11 (A) thru (D).

2. Petitioner would like to construct a single-family home on an unimproved (vacant) lot. Exhs. 2, 3 and 5 (A) thru (D).

3. Attorney Abdulla Hijazi explained that the subject lot is part of a very old subdivision in which most lots are 60 feet wide. He stated that the current requirement, however, mandates lots to be 65 feet wide at the front building line (for development). He emphasized that the subject property has been vacant for many years. Exhs. 2, 3 and 5 (A) thru (D).

4. Dominick Dellerba, a neighbor at 5600 Burgess Drive, testified that the subject property was previously partially developed, but never completed. Exh. 21.

5. Mr. Hijazi explained that the partial development (house) was found to have been built illegally and demolished years ago. Mr. Hijazi stated that his client would like to construct a single-family dwelling.² He stated that without approval of the variance, the property is unbuildable. Exhs. 2, 3, 5 (A) thru (D) and 21.

¹ A variance of 15' front street line was erroneously noted in the Hearing Notice. Exh. 13. The subject lot does, in fact, meet the required 45' front street line width requirement. Therefore, a variance for the front street line is not required.

² He added that the subject lot already has a curb cut and apron.

6. Dominick Dellerba has no objection to the proposed development of the house.

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 subdivision being created in 1935, when the Zoning Ordinance required only a minimum of 45 feet and later 65 feet front building line width, with no grandfather clause for the subject property, the property would be unbuildable without the variance 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 in order to construct a new single-family dwelling on the property located at Lot 5, Block 2, Chillum Gardens Subdivision, being 1313 Chillum Road, Hyattsville, Prince George's County, Maryland, be and is 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: (ORIGINAL SIGNED)

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.