

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

Petitioner: Haddis Neway

Appeal No.: V-38-19

Subject Property: Lot 38, Burgess Subdivision of Rogers & Phillips Addition to Hyattsville, being 4605 Burlington Road, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witnesses: Jesus Macedo, Contractor
Andres Carvallo, Engineer

Heard: June 12, 2019; Decided: September 4, 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 variance from Section 27-442(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 5000 square feet. 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 and 45 feet measured along the front street line. Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 8 feet in width. Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions (property and dwelling) and obtain a permit to construct a two-story addition and replace the second story. Variances of 200 square feet net lot area, 25 feet front building line width and 5 feet front street line width, 13 feet front yard depth, 4 feet side yard width and 4.3% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1907, contains 4,800 square feet, is zoned R-55 (One-Family Detached Residential) Overlay Zone D-D-O, I-D-O (Anacostia Watershed) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The property shape is long and narrow with the front width being only 40 feet and the length is 120 feet. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
3. Petitioners would like to demolish and reconstruct the second floor, also add an 8 foot, 2-story extension to the rear of the dwelling. Petitioner also would like to replace the roof which is in poor condition. The house was built in 1911 and the property does not meet current zoning requirements for lot sizes, and front and side yards. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (F).
4. The City of Hyattsville supported the proposed variances with certain conditions. A

revised site plan was submitted for review by the Board. Exhs. 17, 19, 20, 21, 22 and 23.

5. Engineer Andres Carvallo explained that the current second level will be demolished and rebuilt; the second floor will be on the same footprint as the first floor although, the addition will be expanded towards the rear with the dimensions of 22.5' x 8'. Exhs. 2, 4, 7, 8,9 (A) thru (F) and 23.

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 age of the subdivision of the property, the age and condition of the dwelling, the short length and extreme narrowness of the property, 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 200 square feet net lot area, 25 feet front building line width and 5 feet front street line width, 13 feet front yard depth, 4 feet side yard width and 4.3% net lot coverage in order to validate existing conditions (property and dwelling) and obtain a permit to construct a two-story addition and replace the second story at the rear of the dwelling on the property located at 4605 Burlington Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 23 and approved elevation plans, Exhibits 3 (a) thru (d).

BOARD OF ZONING APPEALS

(ORIGINAL SIGNED)

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.