

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

Petitioner: Martin Cortez

Appeal No.: V-76-19

Subject Property: Lot 16, Block 3, Green Meadows Subdivision, being 6507 Sligo Parkway, Hyattsville,  
Prince George's County, Maryland

Heard and 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 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 variances from Section 27-442(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 5,500 square feet. Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 55 feet measured along the front building line. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Section 27-442(e)(Table IV) 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(i)(Table VIII) prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioner proposes to validate existing conditions (property and dwelling) and construct a second-floor. Variances of 460 square feet net lot area, 4 feet front building line width, 2.7% net lot coverage, 2.5 feet front yard depth, 3 feet side yard width and .5 feet rear lot line setback for an accessory building (shed) are requested.

**Evidence Presented**

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

1. The property was subdivided in 1940, contains 5,040 square feet, is zoned R-55 (One-Detached Family Residential) and is improved with a one-story single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. Petitioner would like to convert an existing attic into a 26' x 29', 2<sup>nd</sup> floor addition. The variances requested are to validate pre-existing conditions (property and dwelling) to allow the Petitioner to obtain building permits for the proposed second floor addition. The variances requested are as follows: a variance of 460 square feet net lot area was requested to validate the insufficient lot size and the building width requirement of 55 feet is not being met, therefore, a variance of 4 feet building line width is requested. Since the percentage of lot coverage is currently over the maximum allowed, a variance of 2.7% net lot is requested. Building setback for the left side yard does not provide the required 8-foot setback, therefore, a variance of 3 feet side yard setback is requested. The accessory building (shed) located in the rear yard requires a 2-foot setback from the property line and a variance of .5 feet rear lot setback is required. Exhs. 2, 3 and 5 (A) thru (E).

3. Petitioner Martin Cortez stated that the second-floor addition will be for additional living space, accessible from within the house and have exterior stairs for emergency exiting. He explained that that because the lot is already over lot coverage, construction will be expanded upwardly on the footprint. Exhs. 2, 3 and 5 (A) thru (E).

4. He further explained that the 2<sup>nd</sup> floor has the same footprint as the first floor. Exhs. 2, 3 and 5 (A) thru (E).

#### 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 need for additional living space, the small size of the lot does not meet zoning current requirements for development 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 460 square feet net lot area, 4 feet front building line width, 2.7% net lot coverage, 2.5 feet front yard depth, 3 feet side yard width and .5 feet rear lot line setback for an accessory building in order to validate existing conditions (property and dwelling) construct a second-floor addition on the property located at 6507 Sligo Parkway, Hyattsville, Prince George's County, Maryland, be and are 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: \_\_\_\_\_

(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.