

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

Petitioners: Belgica Ovando and Maria de Vila

Appeal No.: V-81-19

Subject Property: Lot 10, Block D, Adelphi Hills Subdivision, being 2115 Saranac Street, Hyattsville, Prince George's County, Maryland

Witnesses: Martha Chadbourne, Neighbor

Kenneth Harrison, Inspector, Department of Permitting, Inspections and Enforcement (DPIE)

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, Petitioners request that the Board approve variances from 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. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioners propose to validate an existing condition (development) and obtain a building permits for an unauthorized carport, garage and deck. Variances of 8.3% net lot coverage, 1.5 feet side lot line setback and 1 feet rear lot line for accessory buildings are requested.

Evidence Presented

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

1. The property was subdivided in 1952, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, unauthorized carport, garage, deck and fence. Exhibits (Exhs.) 3, 4, 9, 10 and 11 (A) thru (G).
2. Petitioners would like to validate and obtain building permits for the carport, garage, and deck. Exhs. 2 and 3 (a) thru (i).
3. Petitioner Belgica Ovando testified that because a previous shed was in disrepair, it was rebuilt into a garage.¹ Petitioner stated that the fence is necessary because of trespassers and for security purposes. Petitioner stated that the carport and deck were added later. Exhs. 2, 3 (a) thru (i) and 5 (A) thru (G).
4. Martha Chadbourne testified that she has lived at 2113 Saranac Street for 19 years and is not opposed to the construction.

¹ The garage was constructed .5 feet from the property line and requires a variance of 1.5 feet. Exhs. 2 and 3 (a) thru (i).

5. Inspector Harrison stated that a Correction Order was written up as a complaint for unauthorized construction (without permits) and emphasized that a certified engineer is needed to inspect the work that has been performed. Exhs. 2 and 6.

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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the need to replace a shed that was in disrepair with the garage, the need for security 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 8.3% net lot coverage, 1.5 feet side lot line setback and 1 feet rear lot line for accessory buildings in order to validate an existing condition (development) and obtain a building permit for a carport, garage and deck on the property located at 2115 Saranac Street, 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 plans, Exhibits 3 (a) thru (i).

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.