

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

Petitioner: Suco Wash LLC

Appeal No.: V-82-19

Subject Property: Lot 58, Map 050, Grid C2, Burgess Subdivision of Rogers & Phillips Addition to Hyattsville Subdivision, being 4614 Burlington Road, Hyattsville, Prince George's County, Maryland

Municipality: The City of Hyattsville

Spanish Language Interpreter: Ernesto Luna

Counsel for Petitioner: Traci Scudder, Esq.

Witnesses: Arturo Ojeva, Co-owner

Mauricio Mateos, Co-owner

Heard: September 18, 2019; Decided: October 23, 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 5,000 square feet. Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 50 feet measured along the front building line. Section 27-442(e)(Table IV) which prescribes that each lot shall have 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. Section 27-120.01(c) which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate existing conditions (property & dwelling) and construct a two-story dwelling with basement, a two-car garage, a cover deck and a driveway in front of the house. Variances of 200 square feet net lot area, 10 feet front building line width, 1.3 feet left side yard width, 1.3 feet right side yard width, 15.9% net lot coverage and a waiver of the parking area location<sup>1</sup> requirement 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) and is a vacant lot. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F)
2. The property is very long (120 feet) and narrow (40 feet). Exhs. 2, 4 and 9 (A) thru (F).
3. Petitioner would like to construct a 2-story single-family home with basement, an attached 2-car garage and covered deck. Because the property was subdivided in 1907, and not meeting current zoning standards, variances of 200 square feet net lot area, 10 feet front building line width are requested. The

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<sup>1</sup> A waiver of the parking area location is not required as the driveway leads to a garage. Exhs. 2.

dwelling, being limited in size is encroaching the left and right-side yard by 1.3 feet on each side and is over lot coverage 15.9%. Therefore, variances of 1.3 feet left side yard, 1.3 feet right side yard and 15% net lot coverage is requested. Exhs. 2, 3, 5 (A), 21 and 22 (A) thru (B).

4. Attorney Traci Scudder explained that the subject property is a long, narrow rectangle vacant lot measuring 40' x 120'. She further explained that Petitioner is proposing to obtain a building permit for the construction of a two-story single-family dwelling with basement, 22' x 20' deck, two-car attached garage and driveway. The dwelling will be colonial style with 4 bedrooms and 2.5 baths. It will contain 2,100 square feet of livable space. She offered that most of the houses on the block were constructed between 1900 and 1929. Exh.

5. Petitioner Mateos testified that at the rear of the property is an industrial auto repair business. He contends that without the variances, a house (built to meet the zoning requirements) would be too small to build, uncomfortable for a family and not marketable. Exhs. 2, 3, 5 (A), and 9 (A) thru (F).

6. The City of Hyattsville supports the request for variances, subject to the revised site plan. Exhs. 23 and 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 the lot dimensions being created in 1907, the lot being long and narrow, the property located in proximity of an industrial area 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, 10 feet front building line width, 1.3 feet left side yard width, 1.3 feet right side yard width, 15.9% net lot coverage in order to validate existing conditions (property & dwelling) and construct a two-story dwelling with basement, a two-car garage, a cover deck and a driveway on the property located at 4614 Burlington Road, 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.

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.