

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

Petitioner: Denise Hart

Appeal No.: V-85-19

Subject Property: Part of Lot 9 and Lot 8, Block B-1, Furmans Addition to Hyattsville-Resubdivision
being 4906 42nd Place, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Heard and Decided: September 18, 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(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. 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 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 2 feet from rear lot line. Petitioner proposes to validate existing conditions (dwelling and development) and construct a master bedroom. Variances of 7 feet front yard depth, 10.2% net lot coverage, 3 feet side yard width and 2 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 1925, contains 4,811 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. Petitioner would like to construct a 6'8" x 13'4" addition (master bathroom). Because the house was being built in 1925, certain existing conditions of the development do meet current setback requirements. The covered front porch is encroaching on the front building restriction line, requiring a variance of 7 feet. The addition of the master bathroom increases the preexisting coverage of lot coverage, requiring a variance of 10.2% net lot coverage.¹ The dwelling is located only 5 feet from the left side lot line which requires a side yard variance of 3 feet. The existing accessory structure is on the rear lot line which will require a 2-foot rear yard setback variance. Exhs. 2, 3, and 5 (A) thru (H).

3. The City of Hyattsville has voted to support the proposed variances and the proposed development. Exh. 19

¹ An existing elongated driveway is located on the left side of the property that contributes to the net lot coverage. Exh. 2.

4. Petitioner Denise Hart testified that the 6'8" x 13'4" master bathroom addition on the rear of her house is for an aging parent. Ms. Hart testified that the bathroom will be located on the first floor of the dwelling will be in proximity to the proposed bedroom. Exhs. 2, 3, and 5 (A) thru (H).

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 development and dwelling (1925) not meeting current set back requirements, the need for a bedroom that is accessible to a bathroom to support an elderly parent 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 7 feet front yard depth, 10.2% net lot coverage, 3 feet side yard width and 2 feet rear lot line setback for an accessory building (shed) in order to validate existing conditions (dwelling and development) and construct a master bathroom on the property located at 4906 42nd Place, 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

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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.