

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

Petitioners: Stephane and Jane Dehais

Appeal No.: V-102-19

Subject Property: Lot 30, Block 14, Hyattsville Hills Subdivision, being 3903 Longfellow Street,
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Heard and Decided: November 6, 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 a variance from 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. 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 rear yard at least 20 feet in depth/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. Petitioners propose to validate existing conditions (property, dwelling and development) and obtain a building permit to rebuild an existing screen porch. Variances of 9 feet front building line width, 4 feet front yard depth, 7 feet rear yard depth/width and 9.4% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1937, contains 5,011 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling, driveway and screen porch. Exhibits (Exhs.) 2, 4, 5, 6, 10, 11 and 12 (A) thru (H).

2. The property is an odd shaped lot as the rear lot line is sharply angled. In addition, a retaining wall exists because of the severe slope.

3. Petitioners would like to obtain permission to reconstruct the covered screened in porch on the rear of the dwelling. The dwelling was constructed in 1936 and does not meet the current zoning standards, therefore, validation of the front building line width, front yard depth and rear yard depth require variances of 9 feet front building line, 4 feet front yard depth and 7 feet rear yard depth/width respectively, is requested. In addition, the net lot coverage must also be validated as there is an overage of 9.4% on the existing development. Exhs. 2, 3, 7 (A) thru (G).

4. Petitioner Jane Dehais testified that they would like to replace the existing 30-year-old screened in porch on the rear of the dwelling. The only change would be the new configuration of steps. She explained that the original porch was not built properly and is now pulling away from the house and the footers are not meeting the depth per the code. She stated that because the porch is no longer secure, personal safety and

structural soundness have become issues. She informed the Board that rebuilding the porch (with the steps) will provide an additional emergency exit from the house. Exhs. 2, 3, 7 (A) thru (G).

5. Ms. Dehais further testified that the subject lot is odd shaped as the rear lot line is severely angled and a retaining wall is in place because of the land elevation in the rear yard. Exhs. 2, 3, 7 (A) thru (G).

6. The Mayor of the City of Hyattsville and City Council have approved the requested variances. Exh. 19.

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 property being an odd shaped lot at the rear, the need to remove the existing rear covered porch due to structural and safety issues, the severe slope along the rear property line, the need for an additional emergency exit from the home 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 9 feet front building line width, 4 feet front yard depth, 7 feet rear yard depth/width and 9.4% net lot coverage in order to validate existing conditions (property, dwelling and development) and obtain a building permit to rebuild an existing screen porch on the property located at 3903 Longfellow 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, Exh. 2 and approved elevation plan, Exh. 3.

BOARD OF ZONING APPEALS

By: _____

ORIGINAL SIGNED)

Bobbie S. Mack, Chairperson

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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.