

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

Petitioner: Manuel Ventura Salvador and Elva Salvador

Appeal No.: V-130-19

Subject Property: Lot 15, Block C, Castle Manor Subdivision, being 3709 Jefferson Street, Hyattsville,  
Prince George's County, Maryland

Municipality: Town of Hyattsville

Heard: December 4, 2019; Decided: January 8, 2020

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 a variance from Ordinance 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(i)(Table VIII) which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioner proposes to validate an existing condition (front lot width) and obtain a building permit for an unauthorized construction of a gazebo. Variances of 5 feet front building line width and 2 feet **left** side lot line setback for an accessory building are requested.

**Evidence Presented**

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

1. The property was subdivided in 1941, contains 6,600 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, 9, 10 and 11 (A) thru (F).

2. Petitioners would like to construct a gazebo or covered area in the rear yard. Because the preexisting covered area was constructed too close to the property line, a variance of 2 feet side lot line setback is requested for the proposed gazebo. In addition, the lot was subdivided in 1941 with the front lot line only being 60 feet, it does not meet current zoning standards, the front building line is deficient by 5 feet. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (G).

3. Petitioner Manuel Salvador explained that he built the covered area for weather protection for his mother and 18-month-old daughter. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (G).

4. The City of Hyattsville contacted Petitioners to acquire a permit for the construction and subsequently approved the requested variances. Exh. 20.

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 preexisting location of the covered area, the need for weather protection for family members 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 5 feet front building line width and 2 feet side lot line setback for an accessory building in order to validate an existing condition (front lot width) and obtain a building permit for an unauthorized construction of a gazebo on the property located at 3709 Jefferson 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 (b).

## 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.