

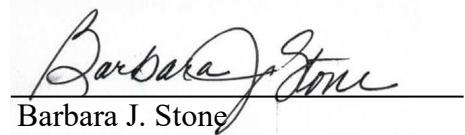
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-138-19 Lucio Gonzalez

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: February 19, 2020.

CERTIFICATE OF SERVICE

This is to certify that on September 14, 2020, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
DPIE/Building Code Official, Permitting

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

Petitioner: Lucio Gonzalez

Appeal No.: V-138-19

Subject Property: Lot 7, Block O, Langley Park Subdivision, being 1716 Keokee Street, Hyattsville,
Prince George's County, Maryland

Witnesses: Yanci Rodas, Daughter

Kenneth Harrison, Department of Permitting, Inspections and Enforcement, Inspector

Spanish Language Interpreter Service: Ruben Sotogomez

Heard: January 22, 2020; Decided: February 19, 2020

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 a variance 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 side yard at least 8 feet in width. 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(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to permission to validate an existing condition (side yard) and obtain a building permit for an unauthorized construction of a canopy and a second shed. Variances of 6 feet side yard width, 5 feet front building line width and 6% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1950, contains 6,900 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, canopy and two sheds. Exhibits (Exhs) 2, 4, 9, 10 and 11 (A) thru (F).

2. The Department of Permitting, Inspections and Enforcement issued notice to the Petitioner on March 12, 2019 (by door tag) that permits must be obtained for the rear patio cover and second rear shed. Exhs. 6.

3. Petitioner would like to validate existing conditions on the property being 6 feet side yard width (which requires 8 feet) and 5 feet front building line width (which requires 65 feet). In addition, an increase in lot coverage has resulted from the unauthorized construction; therefore, Petitioners are requesting a variance of 6% net lot coverage. Exhs. 2, 3 and 5 (A) thru (M).

4. Petitioner Lucio Gonzales testified that he constructed the second shed in the rear yard to store tools and lawn equipment and the canopy existed prior to the purchase of the property. Exhs. 2, 3 and 5 (A) thru (M).

5. Inspector Kenneth Harrison stated that Petitioner can have the shed, but with one existing and building a second shed, he now needs a building permit for each shed. He stated that Petitioner (as the current owner of the property) is also responsible for obtaining a permit for the canopy.

6. Petitioner Lucio Gonzales stated that he will obtain a permit for the canopy and prefers to remove both small sheds and replace them with one single 10' x 15' shed. Petitioner has submitted revised site and elevation plans demonstrating his intent.¹ Exhs. 21 and 22.

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 canopy existing prior to Petitioner purchasing the property, the need for additional storage for tools and equipment, the reduction of overage of lot coverage 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 6 feet side yard width, 5 feet front building line width and 5% net lot coverage in order to validate an existing condition (side yard) and obtain a building permit for an unauthorized construction of a canopy and a shed on the property located at 1716 Keokee Street, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 21 and approved revised elevation plan, Exhibit 22.

BOARD OF ZONING APPEALS



By:

Bobbie S. Mack, Chairperson

¹ With the removal of one shed and the addition of a larger shed, the percentage of lot coverage has decreased by 1%. Accordingly, the request **for a variance** for net lot area is **modified** to 5%. Exhs. 21 and 23.

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.