

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

Petitioners: Benjamin Chavez and Norma Torres

Appeal No.: V-44-18

Subject Property: Lot 20, Bock BB, Adelphi Forest Subdivision, being 10118 Phoebe Lane, Hyattsville, Prince George's County, Maryland

Heard and Decided: July 27, 2018

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 variances from Section 27-442(e)(Table IV) of the Zoning Ordinance which prescribes that each lot shall have a rear yard at least 20 feet in depth/width and Section 27-442(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate existing conditions (existing dwelling, development) and obtain a building permit for a new one-story addition, new covered walkway, new screened porch and new sunroom. Variances of 6.5 feet rear yard depth/width and 4.2% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1966, contains 12,019 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. The property is a corner lot with the dwelling facing the legal side street. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. Petitioners would like to obtain a building permit for new 10.2' x 17.1' one-story addition, new 7' x 12' covered walkway, new 13' x 33.2' screened porch and new 10.4' x 19.2' sunroom. The existing attached garage is located 16 feet from the rear lot line and the addition is located 13.5 feet from the rear lot line. Construction of the new structures exceed the amount of lot coverage allowed. Variances of 6.5 feet rear yard depth/width and 4.2% net lot coverage were requested. Exhs. 2, 3, 5 (A) thru (F) and 12.

3. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 49739-17-0, dated November 8, 2017, requiring Petitioners to "Obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to rear addition (including mechanical work)." Exh. 6.

4. Petitioner Benjamin Chavez testified that all the development was completed 10 years ago. He explained that a roof was added to the existing deck to avoid structural damage to the doors. Exhs. 2, 3 and 5 (A) thru (C).

5. Petitioner further explained that because the rear yard is rather small due to the configuration of the house on the lot and the closeness to the neighbors, the structures provide additional privacy. Exhs. 2, 3 and 5 (A) thru (C).

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 subject property being a corner lot with the house facing the legal side street, limited space in the rear yard of the subject property, the need for additional privacy because of the close proximity to the neighbors, 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 6.5 feet rear yard depth/width and 4.2% net lot coverage in order to validate existing conditions (existing dwelling, development) and obtain a building permit for a new 10.2' x 17.1' one-story addition, new 7' x 12' covered walkway, new 13' x 33.2' screened porch and new 10.4' x 19.2' sunroom on the property located at Lot 20, Bock BB, Adelphi Forest Subdivision, being 10118 Phoebe Lane, 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.