

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

Petitioners: Carlos Iglesias and Jamilet Villatoro

Appeal No.: V-75-18

Subject Property: Lot 25, Bock 14, Woodlawn Subdivision, being 6814 Decatur Street, Hyattsville,
Prince George's County, Maryland

Spanish Language Interpreter Service: Ernesto Luna

Heard: September 12, 2018; Decided: October 10, 2018

Board Members Present and Voting: 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 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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioners propose to construct an attached carport and deck. A variance of 6.5 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 1954, contains 5,775 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 5, 8, 9 and 10 (A) thru (F).

2. Petitioners would like to construct a 10.5' x 20' attached carport over the existing driveway and a 9' x 10.5' deck on the side of the dwelling. The deck and carport would be located 1.5 feet from the side lot line. A variance of 6.5 feet side yard width was requested. Exhs. 2, 3, 4, 6 (A) thru (F) and 11.

3. Petitioner Carlos Iglesias stated the carport will cover only one car. He stated the deck will simply be expand off of the existing back porch. Exhs. 2, 3, 4, 6 (A) thru (F) and 11.

4. Revised elevations were submitted to demonstrate the proposed covered carport with open sides, downspouts and gutters. Revised elevations for the deck were also provided to demonstrate downspouts and gutters. Exhs. 2, 6 (A) thru (F), 20 and 21.

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 carport being placed over the existing driveway, the deck simply augments the existing rear porch area 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, by majority vote, Ms. Bobbie Mack absent, that a variance of 6.5 feet side yard width in order to construct an attached 10.5' x 20' carport and 9' x 10.5' deck on the property located at Lot 25, Block 14, Woodlawn Subdivision, being 6814 Decatur Street, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 20 and 21.

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

Albert C. Scott, Vice Chairman

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.