

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

Petitioner: Eric Smith

Appeal No.: V-149-18

Subject Property: Lot 1, Block 11, Avondale Grove Subdivision, being 2000 Hayden Road, Hyattsville,
Prince George's County, Maryland

Heard and Decided: January 23, 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, Petitioner requests that the Board approve variances 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 and a rear yard at least 20 feet in depth, and Section 27-442(i)(Table VIII), which prescribes that accessory buildings on a corner lot shall be set back 30 feet from the side street line, 10 feet from the rear lot line and generally be located only in the rear yard. Petitioner proposes to validate existing conditions (dwelling, detached garage) and construct a second story rear addition dormer extension. Variances of 1-foot side yard width and 13 feet rear yard depth for the dwelling, 13 feet side street line setback, 9 feet rear lot line setback and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

1. The property was subdivided in 1940, contains 6,130 square feet, is zoned R-55 (One Family Detached-Residential) and is improved with a single-family dwelling, deck, driveway and garage. The subject lot is a corner lot with the dwelling facing the intersection of both Hayden Road and Avondale Road. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioner Eric Smith would like to obtain a building permit to validate the existing condition (detached garage). As the subject property is a corner lot, the garage is located in the front of the dwelling. A waiver of the rear yard location requirement for an accessory building was requested. A variance of 1-foot side yard width, and 13 feet rear yard depth for the dwelling, 13 feet side street line setback and 9 feet rear lot line setback were requested. Exhs. 2, 3, 5 (A) thru (D) and 16.

3. Petitioner testified that he would like to extend an existing dormer on the rear of the dwelling to the full width of the house because heat and air conditioning is pocketed in the dormer and extending the dormer to the full width will allow the air to move about. He noted that the partial dormer causes the heating and cooling air to run constantly creating an unnecessary (higher) expense which he believes can be obviated with the full dormer. He stated that the second story construction will include a needed bathroom. Exhs. 2, 3, 5 (A) thru (D) and 16.

5. Mr. Smith stated that houses in the neighborhood have either partial, full or no dormers. Exhs. 2, 3, 5 (A) thru (D) and 16.

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 dwelling being located on a corner lot, the position of the house being cattycornered on the lot prohibiting the garage to be located in the (legal) rear yard, 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 13 feet rear yard depth and 1 foot side yard width for the dwelling; 1 foot side lot line setback for an accessory building (garage), 13 feet side street line setback and a waiver of the rear yard location requirement for an accessory building (garage) in order to construct a 10'6" x 12' second story rear addition (dormer extension) on the property located at Lot 1, Block 11, Avondale Grove Subdivision, being 2000 Hayden Road, Hyattsville, Prince George's County, Maryland, be and is 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.