

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

Petitioner: Siegel Marlyn Irrevocable Trust

Appeal No.: V-152-18

Subject Property: Lot 18, Block 5, University Park Subdivision, being 4307 Tuckerman Street, Hyattsville, Prince George's County, Maryland

Municipality: Town of University Park

Witnesses: Marlyn Siegel, Property Owner

Jennifer Seigel, Daughter-in-law

Thomas Ahmann, Ahmann LLC, Architect

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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking and Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioner proposes to validate an existing condition (detached garage) and construct a screened porch on the rear of the dwelling. Variances of 7.6% net lot coverage and 1-foot side yard 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 1923, contains 7,798 square feet, is zoned R-55 (One Family Detached-Residential) and is improved with a single-family dwelling, garage and driveway. The subject lot is exceptionally narrow. Exhibits (Exhs.) 4, 6, 8, 9 and 10 (A) thru (F).

2. Architect Thomas Ahmann stated that Ms. Marlyn Siegel would like to construct a 12' x 14' screened porch on the rear left corner of her modest one-story home. The proposed screen porch will provide the Petitioner, who lacks mobility because of a disability, an accessible and level area for outdoor enjoyment. He further explained that mosquitoes are predominant in the proposed porch area. He noted that the majority of the porch will be situated on the existing driveway, so lot coverage will be increasing by only a very small percentage. Exhs. 2, 3 (A) thru (H), 4 and 5.

3. The Town of University Park voted to support both variances. Exh. 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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the exceptional narrowness of the subject property, the Petitioner being disabled causing lack of mobility and enjoyment of the property, 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 7.6% net lot coverage and 1-foot side yard setback in order to construct a screened porch on the rear of the dwelling and validate existing development (garage) on the property located at Lot 18, Block 5, University Park Subdivision, being 4307 Tuckerman Street, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 4 and approved elevation plan, Exhibit 5.

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.

