


NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-192-07 Cidia Galdamez Leon

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: ~~December 12, 2007~~ .

CERTIFICATE OF SERVICE

This is to certify that on January 17, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
DER, Building Code Official, Permit & Review Div.
M-NCPPC, Permit Review Section

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

Petitioner: Cidia Galdamez Leon

Appeal No.: V-192-07

Subject Property: Lot 1, Block 8, Le Velle Heights Subdivision, being 1910 Quebec Street, Hyattsville,
Prince George's County, Maryland

Witnesses: William Roque, Petitioner's husband
Walter Morejon, Adjoining property owner

Heard and Decided: December 12, 2007

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 corner lot shall have a minimum side yard along the side street at least 25 feet in depth and a rear yard at least 20 feet in depth/width. Petitioner proposes to validate existing conditions and replace an existing sunroom. Variances of 1 foot side street yard depth and 13 feet rear yard depth/width are requested.

Evidence Presented

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

1. The property was subdivided in 1951, contains 7,877 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The existing house was built in 1954 (Exhibit 6).
2. The property is an odd-shaped corner lot, with the house facing the legal front street at the corner (Exhibit 2).
3. Petitioner would like to replace an existing 14.1' x 8' sunroom on the front of the house. Since the sunroom is located 24 feet from the side street line and the house is located 7 feet from the rear lot line at the closest point, variances of 1 foot side street yard depth and 13 feet rear yard depth/width were requested to validate these existing conditions in order to obtain a building permit.
4. William Roque, Petitioner's husband, testified that the measurements of the new sunroom would be the same as the new sunroom, but the new addition would have an A-frame roof, be bricked and would be more attractive. He stated that one house on the same street has a similar sunroom.
5. Walter Morejon, an adjoining property owner, testified that he has no problem with Petitioner's proposed sunroom.

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 comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the unusual shape of the property, the house facing the corner, the house being built many years ago, the existing conditions on the property, the footprint of the existing house remaining the same, 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 1 foot side street yard depth and 13 feet rear yard depth/width in order to validate existing conditions and replace an existing sunroom on the property located at Lot 1, Block 8, Le Velle Heights Subdivision, being 1910 Quebec Street, 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 the 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.