

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-7-10 Rosa Hernandez

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: March 10, 2010.

CERTIFICATE OF SERVICE

This is to certify that on March 29, 2010, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
Municipality
DER, Licenses & Inspections Div.

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

Petitioner: Rosa Hernandez

Appeal No.: V-7-10

Subject Property: Lot 3, Block I, Glenridge Subdivision, being 7225 Marywood Street, Hyattsville,
Prince George's County, Maryland

Interpreter: Fatima Barahona

Heard: February 24, 2010; Decided: March 10, 2010

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, Petitioner requests that the Board approve a variance from Section 27-442(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions and obtain a building permit for a one-story addition. A variance of 2.3% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 6,790 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, shed and partially-constructed sunroom. The property was improved with a single-family dwelling in 1950. See Exhibits ("Exhs.") 2, 4, 8.

2. Petitioner enclosed a deck on the rear of the existing dwelling into at 26.5' x 12' sunroom. See Exh. 2.

3. On November 2, 2009, the Licenses and Inspections Division, Department of Environmental Resources issued Building Violation Notice 31872-2009-1, requiring Petitioner to either obtain a building permit for the enclosed structure or remove it. See Exh. 5.

4. Enclosure of the deck caused the allowable amount of net lot coverage to be exceeded and a variance of 2.3% net lot coverage was requested. See Exhs. 10-11.

5. Petitioner would like to validate the overage of net lot coverage to obtain the building permit, but a variance for the overage must be obtained before a permit may be issued.

6. Petitioner testified that the deck was enlarged by four feet before it was enclosed and the partially-constructed sunroom has two sets of steps to the rear yard, one on either end of the new sunroom addition. She testified that the deck pre-existed her ownership of the property.

7. Petitioner stated that enclosure of the deck will provide a place to enjoy the outdoors while providing protection from mosquitoes on the property. Petitioner further testified that she rents two rooms in the house.

8. William Jefferson, a neighbor, opposed the request. See Exh. 15.

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 pre-existing conditions on the property, only the enclosure of the existing deck into a sunroom triggering the overage of net lot coverage, the sunroom structure meeting all required setbacks, the sunroom providing protection from insects and reasonable enjoyment of the 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, by majority vote, Ms. Mack absent, that a variance of 2.3% net lot coverage in order to validate existing conditions and obtain a building permit for a one-story sunroom addition on the property located at Lot 3, Block I, Glenridge Subdivision, being 7225 Marywood 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 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.