

*NOTICE OF FINAL DECISION*


*OF BOARD OF APPEALS*

RE: Case No. V-200-07 Alejandrina Ferrer

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: January 30, 2008.

**CERTIFICATE OF SERVICE**

This is to certify that on March 3, 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  
Municipality

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

Petitioner: Alejandrina Ferrer

Appeal No.: V-200-07

Subject Property: Lot 6, Block A, Queens Chapel Manor Subdivision, being 2909 Jamestown Road,  
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Virgin Castaneda, Petitioner's daughter (also acted as interpreter)

Heard: January 16, 2008; Decided: January 30, 2008

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 front yard at least 25 feet in depth and a side yard at least 7 feet in width. Petitioner proposes to validate existing conditions and construct a one-story addition. Variances of 3.5 feet front yard depth and 2.5 feet side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1941, contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. The property is located in the Gateway Arts Development District Overlay Zone. The existing house was built in 1940 (Exhibit 8).
2. Petitioner would like to construct a 17' x 10' one-story addition on the rear of the existing dwelling, squaring off the southwest corner of the house. The proposed addition would contain a dining room.
3. Before a building permit can be obtained, variances to validate the existing structure must be obtained. Since the existing covered front stoop is located 21.5 from the front street line and a deck located on the side of the house is located 4.5 feet from the side lot line, variances of 3.5 feet front yard depth and 2.5 feet side yard width were requested.
4. Petitioner testified that she replaced a pre-existing, decaying deck located on the side of the house in 2003 with a slightly larger deck without a permit. She stated that when a new survey was drawn up in order to obtain a permit for the current proposed addition, she discovered the need for variances related to validating preexisting conditions and the 2003 construction.
5. The City of Hyattsville posed no objection to the request (Exhibit 13).

6. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request with regard to the description of the property contained on the record plat of subdivision for Queens Chapel Manor (BB 8 @ 77 – Lot 6, Block A). The Subdivision Section stated that the requested variance is not in conflict with the subject record plat because the proposed building development is located behind the existing 25-foot building restriction line shown on the plat along Jamestown Road (aka Kennedy Street on the record plat).

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 house being built many years ago, the existing conditions on the property, the need for additional living space, the proposed addition squaring off a corner of the house without infringing beyond any required setback, 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 3.5 feet front yard depth and 2.5 feet side yard width in order to validate existing conditions and construct a one-story addition on the property located at Lot 6, Block A, Queens Chapel Manor Subdivision, being 2909 Jamestown Road, 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.