

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-70-11 Wesley Catron, Jr.

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: September 21, 2011.

CERTIFICATE OF SERVICE

This is to certify that on November 4, 2011, 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
M-NCPPC, Permit Review Section
DER/Building Code Official, Permits & Review Group
City of Hyattsville

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

Petitioner: Wesley Catron, Jr.

Appeal No.: V-70-11

Subject Property: Lot 4, Block F, Arundel Subdivision, being 6019 43rd Street, Hyattsville,
Prince George's County, Maryland

Municipality: City of Hyattsville

Heard: August 24, 2011; Decided: September 21, 2011

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), which prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard. Petitioner proposes to construct a detached garage. Variances of 5.3% net lot coverage and 16.4 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested.

Evidence Presented

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

1. The property was subdivided in 1938, contains 4,815 square feet^{1/}, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits ("Exhs.") 2, 4, 7-8. The property was improved with a single-family dwelling in 1947. Exh. 8.
2. The property is located within the Gateway Arts District Development Overlay Zone and the municipal limits of the City of Hyattsville. Exh. 7.
3. Petitioner would like to construct a 14' x 30' detached garage at the end of the existing driveway, but variances are needed to obtain a building permit. Because construction of the garage would cause the allowed amount of net lot coverage to be exceeded and the garage would be located partly in the side yard only 43.6 feet back from the front street line, a variance of 5.3%^{1/} net lot coverage and a variance of 16.4 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested. Exhs. 10-11.

^{1/} An incorrect lot size of 4,673 square feet was used to calculate the net lot coverage variance advertised. A recalculation using the correct lot size, 4,815 square feet, revealed that a variance of 4.9% net lot coverage would be sufficient for the proposed construction. Exh. 18.

4. Because of a porch bump-out on the rear of the house, there is insufficient space to build the proposed garage entirely behind the rear line of the house. The garage would be built at the end of the existing driveway. Exh. 2.

5. Petitioner testified that the driveway existed when he moved to the property in 1981. He explained that the two sheds will be removed from the property when the prefab garage is added and the garage will be the only structure in the back yard. He explained that he needs storage space and he has been using a car tent for parking. Exh. 9(B).

6. Petitioner further testified that since he will not be able to match the existing siding on the house, he will obtain new siding for the house to match the siding of the garage.

7. The City of Hyattsville supported the request. Exh. 23.

8. The Historic Preservation & Public Facilities Planning Section of the Maryland-National Capital Park and Planning Commission reviewed the request and stated that the property is within the Hyattsville National Register Historic District (#68-010), there are no federal regulations regarding construction on properties within a National Register Historic District and there will be no effect on identified Historic Sites, Resources, or Districts. Exh. 14.

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 need for additional storage space and enclosed parking area, the driveway having existed at the time Petitioner purchased the property in 1981, there being insufficient space to locate the garage entirely in the rear yard, the garage being built at the end of the existing driveway, a car tent and two sheds being removed from 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 4.9% net lot coverage, and 16.4 feet front street line setback and a waiver of the rear yard location requirement for an accessory building, in order to construct a 14' x 30' detached garage on the property located at Lot 4, Block F, Arundel Subdivision, being 6019 43rd 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, Exhibits 3(a)-(c).

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.