

BOARD OF APPEALS
EXHIBIT SHEET
VARIANCES

APPLICATION NO. V-98-21 PETITIONER: Metropolitan Building and Development Corporation

No.	Description
1.	Application
2.	Statement of Justification
3.	Site Plan
4.	Elevation Plan
5.	Subdivision Plat
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10.	Aerial Photos, A thru H
11.	Aerial Photos Neighboring Properties, A thru B
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13.	Persons of Record List, 10/5/2021
14.	Notice of The Final Decision of Board of Appeals, Case # V-171-21, 2/9/2020
15.	The Maryland-National Capital Park and Planning Commission, 10/18/2021
16.	Certification of Posting, w/photos, 10/19/2021
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19.	Notice of Rescheduled Virtual Hearing, 11/2/2021
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BOARD of APPEALS

Zoning and Administrative

County Administration Building, Room L-200
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
(301) 952-3220

(USE BLACK INK ONLY)
PLEASE READ ALL INSTRUCTIONS
BEFORE FILLING OUT APPLICATION

Received: 7/23/21

Received Stamp

HEARING DATE _____

APPLICATION FOR A VARIANCE

(If variance is being applied for due to receipt of a Violation Notice, a copy of the notice is required.)

For assistance in completing questions below, see corresponding paragraphs on *Instructions to Applicants*, which is designed to help you fill out this form.

Owner(s) of Property Metropolitan Building and Development Corp
(AS SHOWN ON DEED)

Address of Owner(s) 9006 Charred Oak Drive

City Bethesda State MD Zip Code 20817

Telephone Number (home) _____ (cell) 240-876-8907 (work) _____

E-mail address: jhawvermale@verizon.net

Location and Legal Description of the Property involved:

Street Address 6213 43rd Avenue

City Hyattsville

Lot(s) Pt of Lot 26 Block 2 Parcel _____

Subdivision Name West Riverdale

Professional Service:

▶ Engineer ▶ Contractor ▶ Architect: (if different from above): (circle one)

Name: _____ Phone Number: _____

Address: _____ Email Address: _____

Attorney representing applicant: (If applicable)

Name: Dan Lynch Phone Number: 301-441-2420

Address: 6411 Ivy Lane, Suite 200 Email Address: dlynch@mhlawyers.com
Greenbelt, MD 20770

EXH. # 1
V-98-21

Association Name(s) & Address(es) (Homeowners/Citizens/Civic and/or Community):

Name: _____

Address: _____

Municipality (Incorporated City/Town)

Name Hyattsville

What will be or has been constructed on the property which has required a variance? There will be no
new construction. Variance being requested to validate existing conditions (single-family home).

Has a Violation Notice / Stop Work Order /Correction Notice been issued to the Property Owner regarding this property?

No Yes _____ Date Issued: _____ Violation Notice No. # _____

Inspector's Name: _____

Do you need the services of a foreign language interpreter at your hearing? (\$30.00 fee required)

Yes _____ No

Foreign Language: _____

John M. Hawvermale
Signature of Owner Attorney

John M. Hawvermale
Printed Name

IMPORTANT:

Failure to provide complete and accurate information on this application may delay or jeopardize consideration of the request. Applications on which all required information is not furnished will be returned for completion before processing.

Approval of a variance is not a guarantee that further review will not be necessary by other governmental authorities. For further information regarding Board of Zoning Appeals policies and procedures, see Sections 27-229 through 27-234 of the County Zoning Ordinance and/or the Board's website at <http://pgccouncil.us/>.

*****FOR OFFICE USE ONLY*****

Filing Fee Paid: \$ _____

CK/M.O. # _____

By: _____

Sign Posting Fee Paid: \$ _____

CK/M.O. # _____

By: _____

Translation Services: \$ _____

CK/M.O. # _____

By: _____

Re-advertisement: \$ _____

CK/M.O. # _____

By: _____

Property Zone:	
Overlay Zone:	
Previous Activity: I.e.: Variance, PB Action.	
Violation Notice #: Yes <input type="radio"/> No <input type="radio"/>	

Variance(s) required:

STATEMENT OF JUSTIFICATION

APPLICANT: Metropolitan Building and Development Corp.
9006 Charred Oak Drive
Bethesda, Maryland 20817

CORRESPONDENT: Daniel F. Lynch, Esq.
McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt Maryland 20770
301 441 2420 (P)
301 982-9450 (F)
dlynch@mhlawyers.com E-mail

REQUEST: Variances from Section 27-442 (b), (d) and (e).

I. DESCRIPTION OF PROPERTY

1. Address –621 43rd Avenue, Hyattsville, MD 20781
2. Lot - 26
3. Total Area – 6,000 square feet
4. Tax Map –42/B3
5. Zoned – R-55
6. Incorporated Area – Hyattsville

EXH. # 2
V-98-21

II. NATURE OF REQUEST

The subject property is developed with a 2,048 square foot single-family home. The property is approximately 6,000 square feet in size, has 50 feet of frontage on 43rd Avenue and two side yards that are 6 feet wide and 10 feet wide. Section 27-442(b) of the Zoning Ordinance requires lots in the R-55 Zone to be a minimum 6,500 square feet in size. 27-442(d) requires 65 feet of frontage and 27-442(e) requires the side yards to total 25'. The applicant is requesting variance of 27-442 (b) to allow for development on a 6,000 square foot lot; a variance from 27-442 (d) to reduce the lot frontage from 65' to 50' and a variance from 27-442 (e) to reduce the sideyard requirement from 25' to 16'. The granting of these variances will validate these existing conditions on the

subject property.

III. APPLICANT'S PROPOSAL

The applicant is proposing construct a single-family home on the adjoining lot (Lot 25) and in order to do so, the applicant must validate the conditions on Lot 26. It should be noted that Lots 25 and 26 were legal lots when they were first created in 1904, but a portion of the Lots 25 and 26 were conveyed by deed to the owners of Lots 9 and 10. Since the conveyance of the property occurred prior to 1982, the conveyance and resulting division of the lots is considered legal, but that conveyance invalidated the approved subdivision for Lots 25 and 26 and the ability to rely on the grandfathering provisions of 27-442 relative to minimum lot area, lot frontage and sideyards. Therefore, the only means available to validate the conditions is to obtain variance s from this Board.

IV. VARIANCE

The criteria for the approval of a variance are set forth in Section 27-230(a) of the Zoning Ordinance which states:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;

Comment: Although a portion of Lot 26 was conveyed to the owner of Lot 9, the property is still 6,000 square foot in size. The 6,000 square foot lot complies with the minimum requirements in place when the property was first subdivided in 1904. This is reflected not only in the Zoning Ordinance, but also by comparing this lot to other developed lots in the neighborhood. This property is comparable in size to each lot not only fronting on 43rd Avenue, but also along the adjacent streets in the neighborhood.

- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Comment: As indicted, the applicant is the owner of Lots 25 and 26. The owner is requesting the variance to validate the existing conditions on Lot 26 in order to allow the development of Lot 25 with a single-family home. The denial of the variance would in turn prevent the owner from obtaining a building permit for Lot 25.

- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Comment: The requested variance would not substantially impair the intent, purpose or integrity

of the recommendation contained in the *2004 approved Sector Plan and Sectional Map Amendment for the Prince George's Gateway Arts District*. The subject property is located in the *Traditional Residential Neighborhood Character Area* set forth in that Plan and the Plan recommends reinforcing existing single-family detached residential neighborhoods as community-oriented, quiet, low-traffic, and child-safe. The granting of this variance and validating the existing conditions on this property will help maintain the residential character of this neighborhood and in turn, comply with the Sector Plan recommendation.

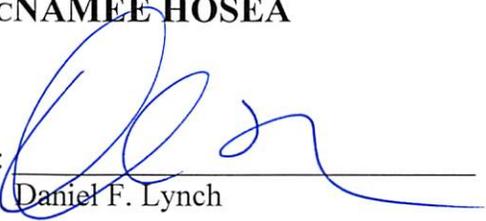
V. CONCLUSION

The applicant respectfully submits that all of the criteria for granting the requested variances has been met and requests that each variance be approved by this Board.

Respectfully submitted,

McNAMEE HOSEA

By:


Daniel F. Lynch

Existing House

6213 43rd Ave Hyattsville, MD

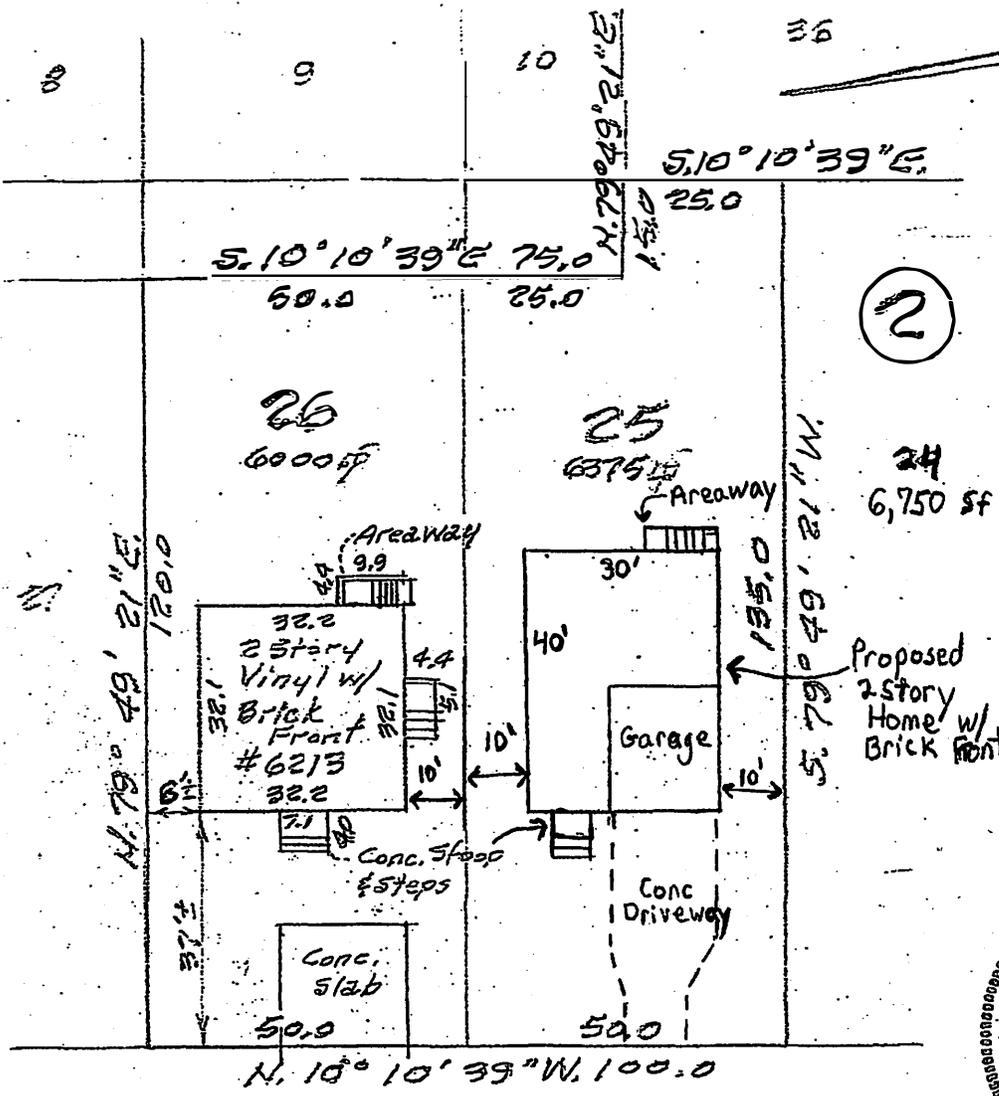


EXH. # **3**
V-98-21

Built in 2001 and still owned by John Hawvermale, dba,
Metropolitan Building & Development Corp

NOTES:

1. The ± setback distance accuracy = 1'.
2. See Sheet #2 for consumer information.



2



43rd (50' R/W) AVENUE

EXH. # 4
V-98-21

HOUSE LOCATION
PART OF LOTS 25 & 26 BLOCK 2
WEST RIVERDALE
HYATTSVILLE DISTRICT
PRINCE GEORGE'S COUNTY, MD.

This is to certify that this lot is not within the 100 Year Flood Plain as shown on The FEMA Flood Hazard Map 24520800250 as revised 6-18-87.

CERTIFICATION

I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

William L Machen
WILLIAM L MACHEN, PROFESSIONAL LAND SURVEYOR, MARYLAND #9011

OFFICE OF

W. STANLEY MACHEN ASSOCIATES, INC.
REGISTERED LAND SURVEYOR

4328 FARRAGUT STREET HYATTSVILLE, MARYLAND 20781
PHONE: (301)864-5115 (301)927-8500 (301)927-9046 FAX

SCALE: 1" = 30'

PLAT REFERENCE:

BD51/31

DATE:

10-23-01

FILE NO.:

R-10236

1-31

MAP OF WEST RIVERDALE.

SUBDIVISION OF LOTS 5, 10, 11, 12, 13, 14, 15, & 16.
ELLAVILLE
NORTH OF HYATTSVILLE,
MARYLAND.

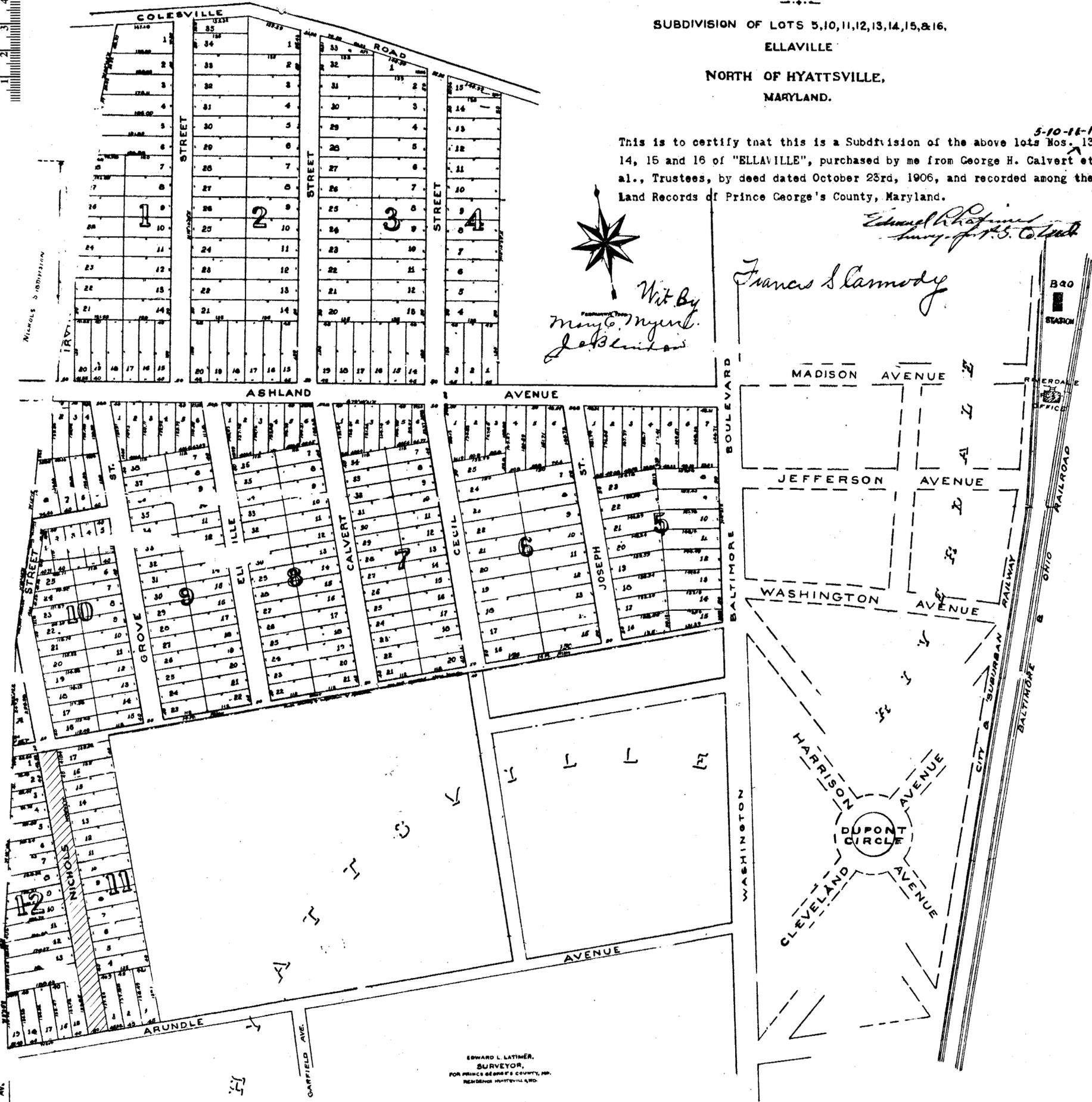
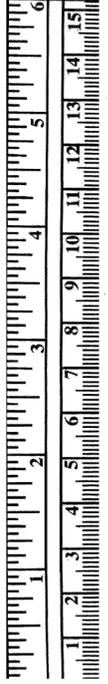
This is to certify that this is a Subdivision of the above lots Nos. 13, 14, 15 and 16 of "ELLAVILLE", purchased by me from George H. Calvert et al., Trustees, by deed dated October 23rd, 1906, and recorded among the Land Records of Prince George's County, Maryland.

5-10-16-12

Edward L. Latimer
Surveyor of P. G. Co.

Francis S. Lamody

Witness By
Mary C. Myers
John C. ...



EDWARD L. LATIMER,
SURVEYOR,
FOR PRINCE GEORGE'S COUNTY, MD.
RESIDENCE HYATTSVILLE, MD.

RED HATCHED AREA
ABANDONED SEE EQUITY D-3187

EXH. # 5
V-98-21

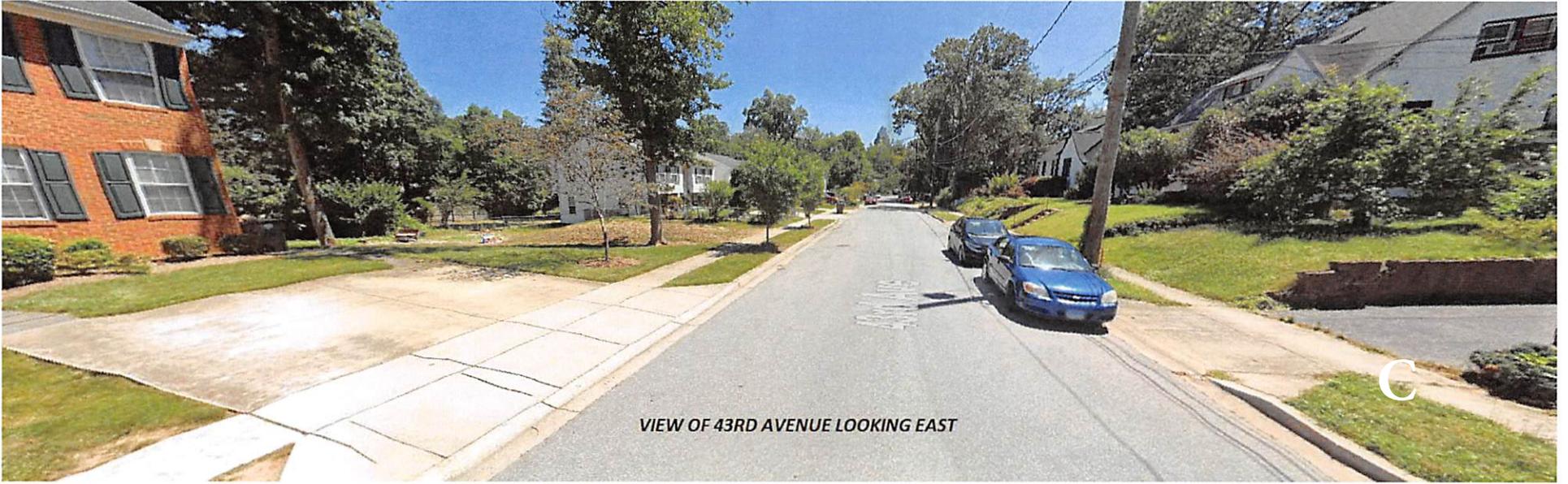
PRINCE GEORGE'S COUNTY CIRCUIT COURT (Plat Book) Plat Book BDS 1, p. 31, MSA_C2381_916. Date available . Printed 09/09/2021.

6213 43rd Avenue





STREET VIEW OF 6213 43RD AVENUE



VIEW OF 43RD AVENUE LOOKING EAST

C



43RD AVENUE LOOKING WEST

Permit History

Application Date	Permit Number	Permit Name	Permit Type	Work Description	Permit Mode	Issuance Date
4/4/1984 12:00:00 AM	1674-1984-0	84016740011	R (RESIDENTIAL)	DECK/SUN	CLOSED	4/9/1984 12:00:00 AM
3/17/1999 12:00:00 AM	1722-1999-0	99017220011	SGU - (New Single Family)	DWELLING/SINGLE FAMILY DETACH	EXPIRED	
5/23/2000 12:00:00 AM	1722-1999-1	99017220011	SGU - (New Single Family)	COMBINING LOT 25 & 26	CLOSED	6/19/2000 12:00:00 AM
8/21/2001 12:00:00 AM	23496-2001-0	RICHARD P JAMES	ER (ELECTRICAL RESIDENTIAL)	New Electrical Work	CLOSED	8/22/2001 12:00:00 AM
8/23/2001 12:00:00 AM	23705-2001-0	AAI METROPOLITAN PRINKLER	FIRW (FIRE WALK THRU)	sprinkler system	CLOSED	8/23/2001 12:00:00 AM
7/21/2021 12:00:00 AM	31390-2021-0	FABER WATERPROOF	DPIE R	Install 96ft of sub-floor pressure relief system. Install 1 Heavy duty submersible sump pump system. Install one (1) battery back-up. Install 8-9' of epoxy inject.	PERMITTED	9/2/2021 12:00:00 AM

EXH. # 7
V-98-21



Real Property Data Search (w3)

Guide to searching the database

Search Result for PRINCE GEORGE'S COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 16 Account Number - 1802248

Owner Information

Owner Name: METROPOLITAN BLDG& DEVELPMNT CORP Use: RESIDENTIAL Principal: NO Residence:

Mailing Address: 9006 CHARRED OAK DR BETHESDA MD 20817- Deed Reference: /13442/ 00510

Location & Structure Information

Premises Address: 6213 43RD AVE HYATTSVILLE 20781-0000 Legal Description: W120FT LOT26(PT LOT25 EQ3000SF COMB O

Table with 11 columns: Map, Grid, Parcel, Neighborhood, Subdivision, Section, Block, Lot, Assessment Year, Plat No, A-0964. Row values: 0042, 00B3, 0000, 16029200.17, 9200, 2, 2022, Plat Ref:

Town: HYATTSVILLE

Table with 5 columns: Primary Structure Built, Above Grade Living Area, Finished Basement Area, Property Land Area, County Use. Row values: 2001, 2,048 SF, YES, 6,000 SF, 001

Table with 7 columns: Stories, Basement Type, Exterior Quality, Full/Half Bath, Garage, Last Notice of Major Improvements. Row values: 2, YES, STANDARD UNIT, FRAME/ 3, 2 full/ 1 half, 2001

EXH.# 8 V-98-21

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2019	As of 07/01/2021	As of 07/01/2022
Land:	125,200	125,200		
Improvements	363,000	363,000		
Total:	488,200	488,200	488,200	
Preferential Land:	0			

Transfer Information

Seller: METROPOLITAN BLDG AND DEV CORP	Date: 10/28/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13442/ 00510	Deed2:
Seller: JACOBS,RICHARD M	Date: 09/02/1999	Price: \$40,000
Type: ARMS LENGTH VACANT	Deed1: /13331/ 00612	Deed2:
Seller: GRAY,JAMES A & ELLEN G	Date: 09/02/1998	Price: \$30,000
Type: ARMS LENGTH VACANT	Deed1: /12436/ 00552	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2021	07/01/2022
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Property

Tax Account: 1802248

Owner Name: METROPOLITAN BLDG& DEVELPMNT CORP

Premise Address: 6213 43rd Ave, Hyattsville, MD 20781

Parcel Details	Ownership Information	Administrative Details
Tax Account #: 1802248	Owner Name: METROPOLITAN BLDG& DEVELPMNT CORP	Tax Map Grid: 042B3
Assessment District: 16	Owner Address: 9006 Charred Oak Dr, Bethesda, MD 20817	WSSC Grid: 207NE04
Lot: Block: 2 Parcel: Description: W120FT LOT26(PT LOT25 EQ3000SF COMB O	Liber: 13442 Folio: 510	Tree Conservation Plan 1:
Plat: A16-0964	Transfer Date: 10/28/1999	Tree Conservation Plan 2:
Subdivision: WEST RIVERDALE	Current Assessment: \$480,400.00	Councilmanic District: 2
Acreage: 0.1380	Land Valuation: \$108,533.00	
	Improvement Valuation: \$371,867.00	
	Sale Price: \$0.00	
	Structure Area (Sq Ft): 2048	

Development District Overlay

Overlay Zone: D-D-0

Plan Name: GATEWAY ARTS DISTRICT SECTOR PLAN AND SMA

Resolution: CR-78-2004

Adoption Date: 11/30/2004

Acreage: 1907.699336

Historic District National Register (HAWP Not Required)

Name: Hyattsville Historic District

ID: 68-010-00

Legislative District

Legislative District: 22

Member 1: Paul G. Pinsky

Party 1: Democrat

Member 2: Anne Healey

Party 2: Democrat

Member 3: Alonzo T. Washington

Party 3: Democrat

Member 4: Nicole A. Williams

Party 4: Democrat

Councilmanic District (2014)

District: 2

Member: Deni Taveras

Political Party: Democrat

Telephone: 301-952-4436



Email: dltaveras@co.pg.md.us
District: Null
Member: Mel Franklin (At Large)
Political Party: Democrat
Telephone: 301-952-2638
Email: mfranklin1@co.pg.md.us
District: Null
Member: Calvin S. Hawkins, II (At Large)
Political Party: Democrat
Telephone: 301-952-2195
Email: at-largememberhawkins@co.pg.md.us

Tax Grid

Map Grid: 42-B2

WSSC Grid

Grid: 207NE04

Watershed (DOE)

Name: LOWER NORTHEAST BR (ANA)

Watershed - 12 digit (DNR)

MDE 6 Digit Code: 021402
MDE 6 Digit Name: WASHINGTON METROPOLITAN
MDE 8 Digit Code: 02140205
MDE 8 Digit Name: Anacostia River
Watershed Code: 0822
DNR 12 Digit Designator: 021402050822
Tributary Strategy Watershed: MIDDLE POTOMAC
NRCS HUA14 Digit Code: 02070010030135
NRCS HUA11 Digit Code: 02070010030
NRCS HUA8 Digit Code: 02070010
Acreage: 14246.749023

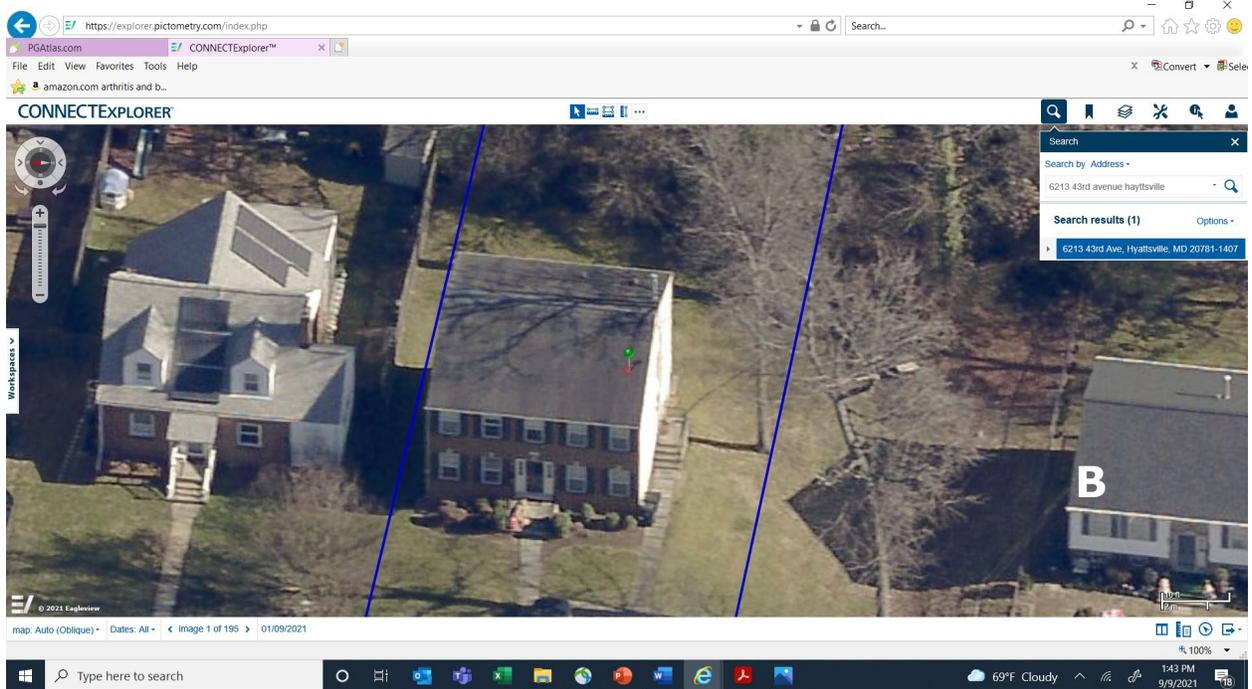
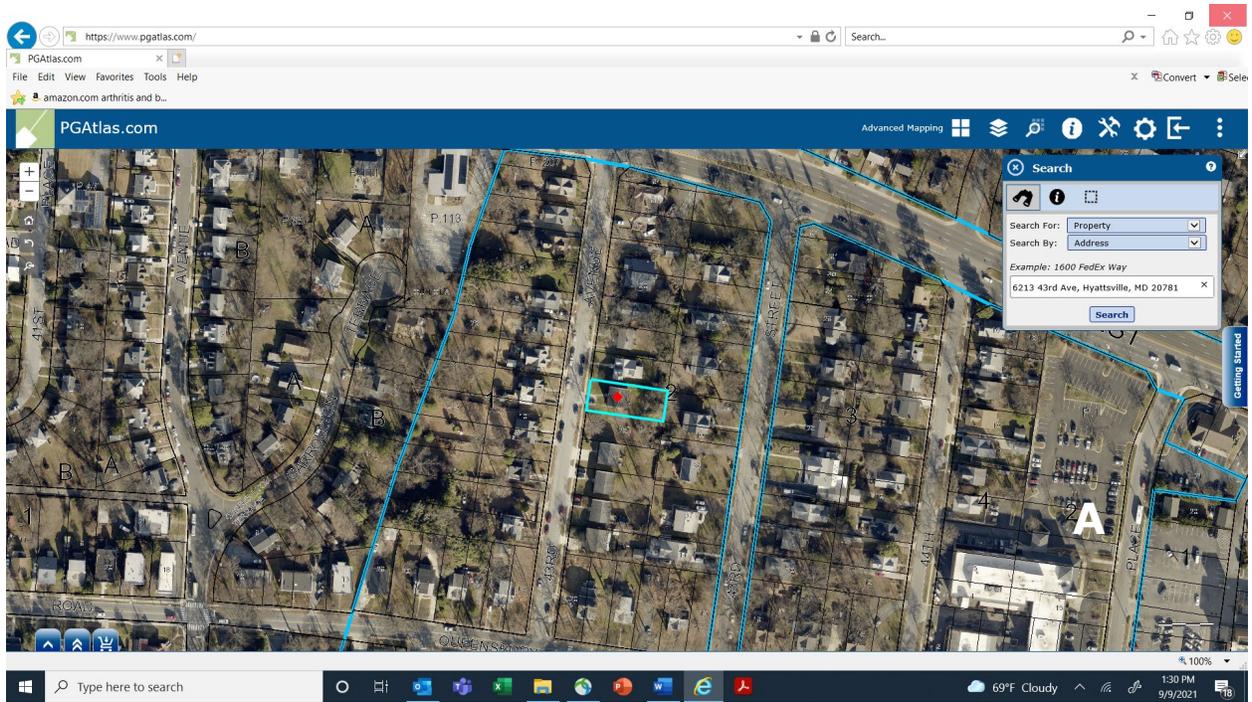
Zip Code

Zip Code: 20781
City: Hyattsville
Alternate Names: N/A

Zoning

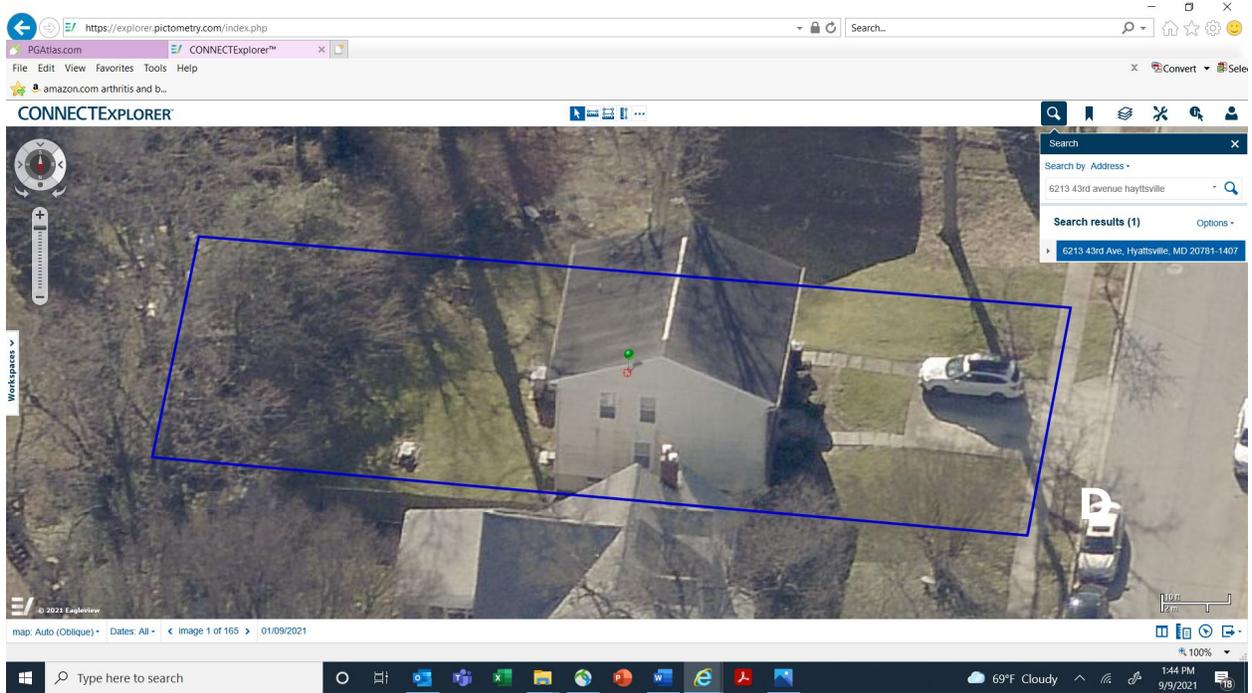
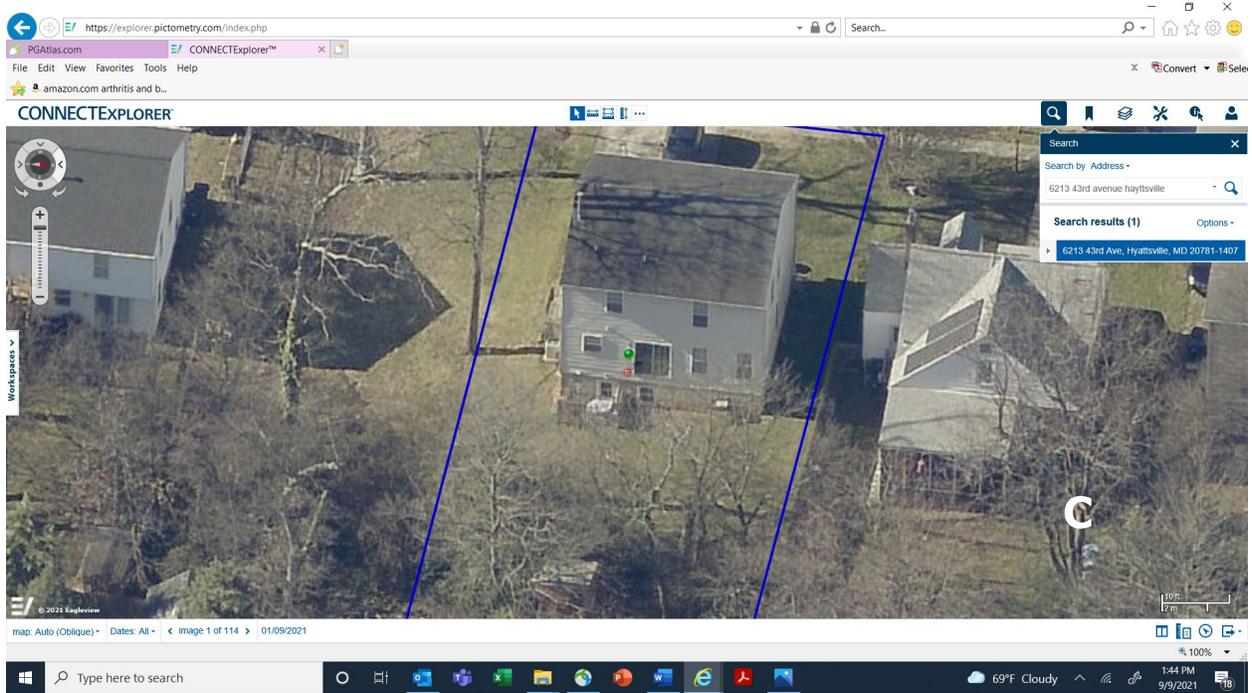
Zone Type: Residential
Class: R-55 (One-Family Detached Residential)

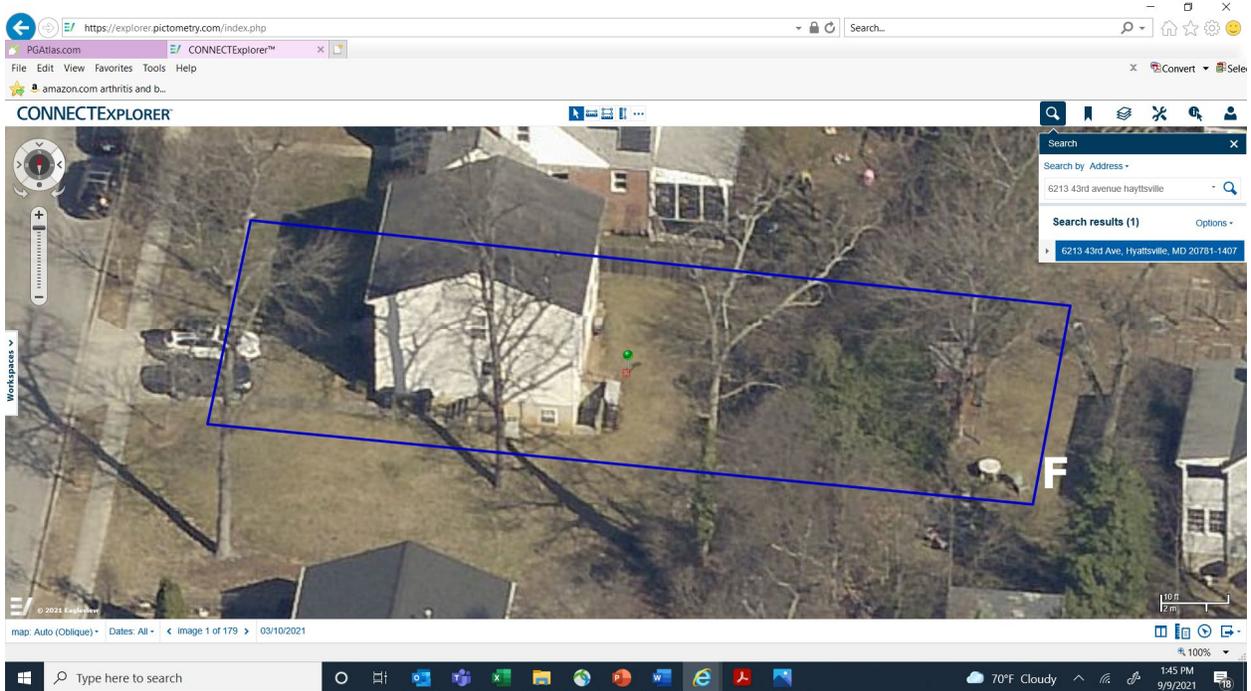
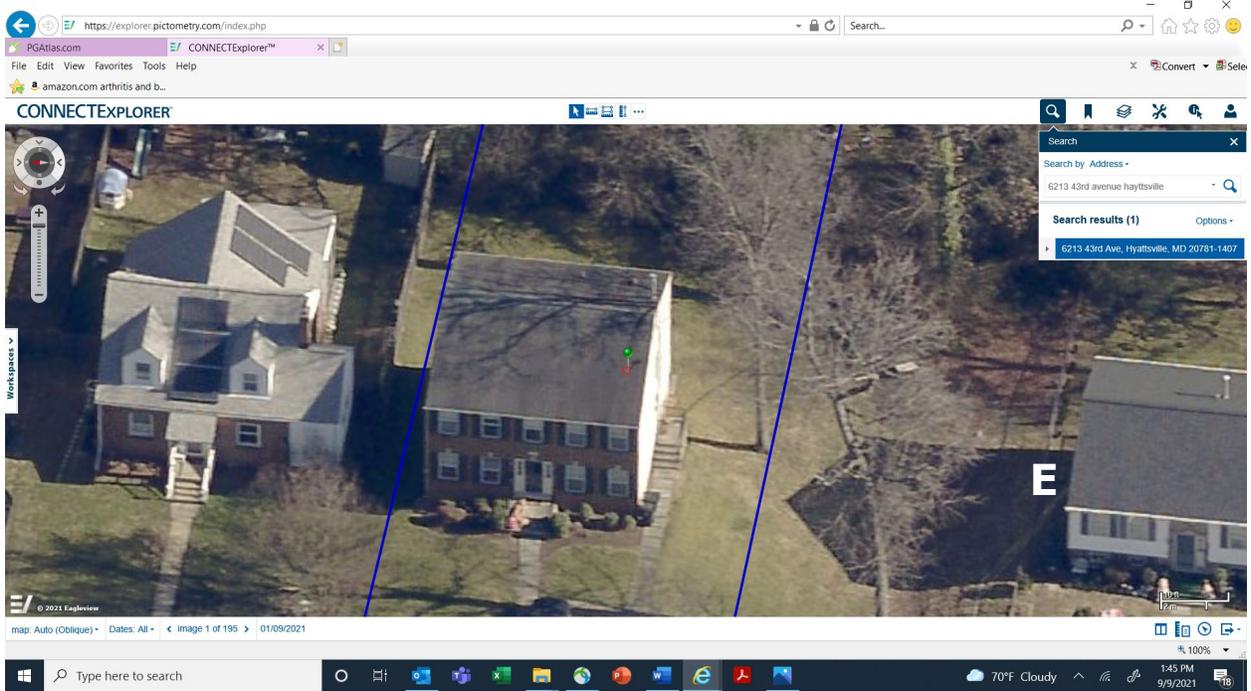
V-98-21



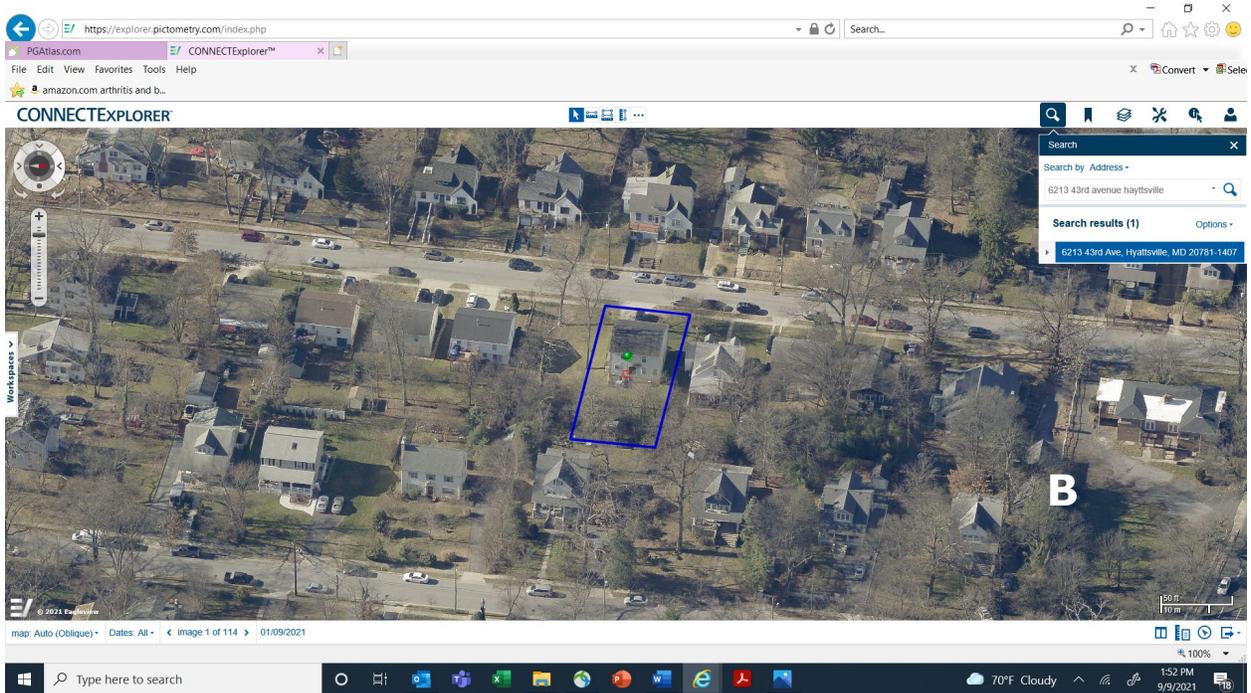
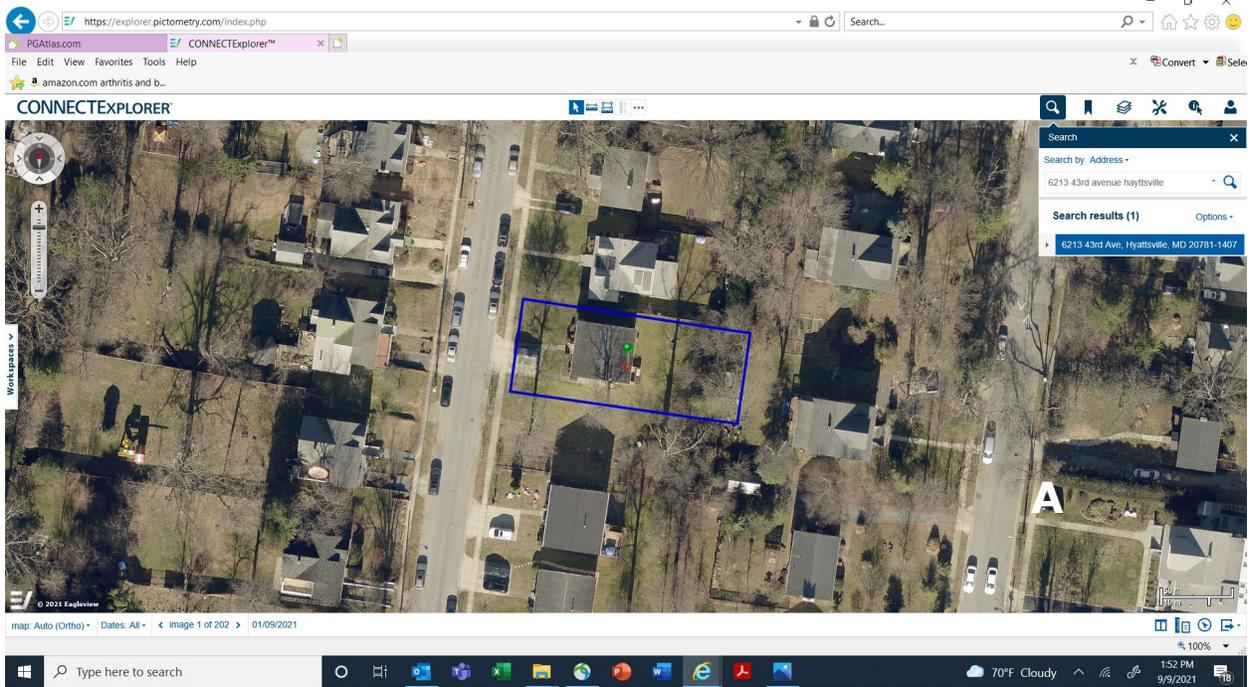
EXH. # **10(A-H)**
V-98-21

V-98-21

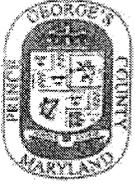




V-98-21 Neighboring Properties



EXH. # **11(A-B)**
V-98-21



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF VIRTUAL HEARING

Date: October 5, 2021

Petitioner: Metropolitan Building and Development Corporation

Appeal No.: V-98-21

Hearing Date: WEDNESDAY, OCTOBER 20, 2021, AT 6:00 P.M. **EVENING**

Place: Virtual Hearing

Appeal has been made to this Board for permission to validate existing conditions: Net lot area, front building line width, side yard width and a waiver of parking location on R-55 Zoned (One-Family Detached Residential) property known as Lot 26, Block 2, West Riverdale Subdivision, being 6213 43rd Avenue, Hyattsville, Prince George's County, Maryland, contrary to the requirements of the Zoning Ordinance.

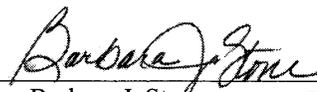
The specific violation resides in the fact that Zoning Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-120.01(c) prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Variances of 500 square feet net lot area, 15 feet front building line width, 3 feet side yard width and a waiver of the parking area location requirement are requested.

Virtual hearing on this Appeal is set for the time and place stated above. **Petitioner, or counsel representing Petitioner, should be present at the hearing. A Petitioner which is a corporation, limited liability company, or other business entity MUST be represented by counsel, licensed to practice in the State of Maryland, at any hearing before the Board. Any non-attorney representative present at the hearing on behalf of the Petitioner (or any other person or entity) shall not be permitted to advocate.**

Adjoining property owners, who are owners of premises either contiguous to or opposite the property involved, are notified of this hearing in order that they may express their views if they so desire. However, their presence is not required unless they have testimony to offer the Board. In order to give verbal testimony during the virtual hearing, you must register with the Board of Appeals at least 5 days prior to the virtual hearing. Please call 301-952-3220 to register. No additional speakers will be allowed to give testimony unless registered with the Board. Please also visit the Board of Appeals website for Virtual Hearing Instructions and procedures at <http://pgccouncil.us/BOA>

If inclement weather exists on hearing date, please contact the office to ascertain if hearing is still scheduled.

BOARD OF ZONING APPEALS

By: 
Barbara J. Stone
Administrator

EXH. # **12**
V-98-21

cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
City of Hyattsville
Dan Lynch, Attorney

V-98-21
METROPOLITAN BUILDING AND
DEVELOPMENT CORPORATION
9006 CHARRED OAK DRIVE
BETHESDA MD 20817

V-98-21
MARY DURKIN
6210 43RD AVENUE
HYATTSVILLE MD 20781

CITY OF HYATTSVILLE
ECONOMIC REVIEW
4310 GALLATIN STREET
HYATTSVILLE MD 20781

V-98-21
DAN LYNCH
6411 IVY LANE SUITE 200
GREENBELT MD 20770

V-98-21
NIAMBI MACK
KEVIN MACK
6215 43RD AVENUE
HYATTSVILLE MD 20781

V-98-21
JOSEPH & ROSANNA WEAVER
6208 43RD AVENUE
HYATTSVILLE MD 20781

V-98-21
CURTIS & CAROL RAMSEY-LUCAS
6208 43RD STREET
HYATTSVILLE MD 20781

EXH. # 13
V-98-21



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772

TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-171-99 Metropolitan Building & Development Corp. et al.

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: February 9, 2000.

CERTIFICATE OF SERVICE

This is to certify that on February 18, 2000, the above notice and attached Board Order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Anne F. Carter", is written over a horizontal line.

Anne F. Carter
Administrator

cc: Chief, Licenses & Permits Office
M-NCPPC, Permit Review Section - Susan Shields
City of Hyattsville

EXH. # 14
V-92-21

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

Petitioner: Metropolitan Building & Development Corp. et al.

Appeal No.: V-171-99

Heard: January 12, 2000; Decided: February 9, 2000

Board Members Present and Voting: Albert C. Scott, Chairman
Raymond Krasnick, Vice Chairman
Christine Jowers, Member

ORDER OF THE BOARD

This appeal was brought to the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland, requesting a variance from the strict application of the Zoning Ordinance for the Maryland-Washington Regional District in Prince George's County, Maryland, said land being within the Maryland-Washington Regional District and the Board having jurisdiction.

It was explained to the Board that variances were requested in order to construct a new single-family dwelling. Section 27-442(b)(Table I) of the Zoning Ordinance prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have two side yards with a combined total width of 17 feet with neither side yard being less than 8 feet in width. Variances of 500 square feet net lot area, 15 feet front building line width, 1 foot side yard width for one side yard and 3 feet side yard width for the other side yard were requested.

The following testimony and evidence were presented to the Board for its consideration:

1. The property was resubdivided in 1955, contains 6,000 square feet, is zoned R-55 and is planned to be improved with a single-family dwelling.
2. Due to the property being resubdivided in 1955, this lot is no longer a record lot and does not contain the area required for development by the current regulations for the R-55 Zone contained in the Zoning Ordinance. A variance of 500 square feet net lot area is needed.
3. The property also does not contain the required width at the front building line. A variance of 15 feet front building line width is needed.
4. The proposed dwelling will be 7 feet from each side property line. Because a lot must have two side yards with a combined total width of 17 feet with neither side yard being less than 8 feet in width, variances of 1 foot side yard width for one side yard and 3 feet side yard width for the other side yard are needed.
5. Petitioner explained that it would be a hardship if the property could not be developed as requested because both the subject property, Part of Lot 26, and the adjoining lot requiring variances, Part of Lot 25, conform to the size of other developed lots in the vicinity, and that basically identical lots on either side have been developed. One of those lots is 50 feet wide and 135 feet long; the other lot is 50 feet wide and 120 feet long. Since Lots 25 and 26 were recorded around 1904 as 50' x 135' record lots, deed divisions have resulted in lots slightly smaller than the record lots, but identical in

width and just missing a small area at the rear of each lot. In the same block of 43rd Avenue, Lot 21, which contains only 4,496 square feet, was developed in 1965 after obtaining a variance. Lots 22, 23 and 24 were each developed in the last year; those lots are 50' x 135' and contain 6,750 square feet each. Lots 25, 26, 27 and 28 became slightly smaller when 15 feet at the rear of the lots was transferred by deed in the 1950's. Lots 26, 27 and 28 each contain 6,000 square feet. Lot 27 is identical to Lot 26, one of the undeveloped lots requiring variances, and it was developed in the 1930's with a house with 7-foot sideyards, exactly what Petitioner proposes. Petitioner only wants his lot treated the same as other lots in the neighborhood. Petitioner was aware at time of purchase that the original record lot was missing the 15 feet at the rear; but he was also aware that the two lots to the north were also missing the 15 feet. The subject lot is proposed to be developed by the same builder as Lots 22 thru 24.

6. Petitioner explained that the County Executive and Governor encourage development of in-fill lots inside the Beltway and that is what Petitioner proposes to do.

7. Petitioner submitted letters from five neighbors, one of whom owns property adjoining the subject property and another owning property adjoining the lot next door requiring variances. These neighbors stated that they have no objection to two homes being built on the two vacant lots. They expressed the opinion that the lots are of similar size to theirs and that the houses will be similarly or higher priced. The owner of property adjoining Part of Lot 26 on the north side (Lot 27) testified in support of Petitioner's request. He is aware of the relative size of his lot and Petitioner's and has no problem with Petitioner developing the subject lot.

8. The contract purchaser of Part of Lot 26 testified in support of the request. She has lived in the community for over 45 years and her family lives in the community. She has saved for 12 years to buy a house in this community to stay close to her family and help her parents. As a single, working homeowner, she would not be interested in maintaining a large lawn, and a small lot suits her needs. The proposed house is affordable and convenient, and the mixed character of the neighborhood appeals to her. Even though there are a lot of older houses in the neighborhood, the newer houses constructed by Petitioner blend nicely into the neighborhood and enhance the block. A new house is advantageous since she will not have to deal with old plumbing or renovation costs.

9. There were several neighbors who voiced objection to the request. One neighbor stated that the owner of Lot 27 probably has no objection because he does not live on the property and he is the one who sold Petitioner the subject property. Objecting neighbors expressed concern over the following: Parking has become a problem for everyone in the neighborhood because of the crowding. The houses across the street from the subject property have wider frontages (70-80 feet) and the lots are substantially larger. Property values of existing houses will be adversely affected. In relation to the average price of a building lot in the area, it will not be any great hardship if a house is built on two lots instead of one. One cannot characterize the neighborhood by highlighting the existence of only the smallest lots, but the neighborhood as a whole. Having a string of six split foyers in a row will detract from the nice blend of house styles in the neighborhood. If the contract purchaser can afford to build a house on this block, which contains some of the most expensive houses in Hyattsville, she could buy a house anywhere in Hyattsville.

10. The City of Hyattsville did not comment on the request.

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 which 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.

After hearing all the testimony and reviewing the evidence presented, the Board finds that:

1. The subject property is a vacant lot which does not meet the current regulations with regard to net lot area; a minimum of 6,500 square feet, or front building line width, a minimum of 65 feet. In addition, the structure proposed to be constructed on the lot would not meet the side yard width requirements.
2. The subject property is no longer a record lot, since it was resubdivided in 1955, and cannot be developed without obtaining variances.
3. The 50-foot-wide lots to the north of the subject property were developed prior to the adoption of zoning regulations in the area.
4. Petitioner was aware of the fact that the lot was not a record lot at the time of purchase; any financial hardship claimed is therefore self-imposed.
5. Approval of the request would adversely affect the character of the neighborhood. Although there are several small lots in the neighborhood, the houses to the north were built many years ago and the lots across the street are substantially larger. Development of the subject property and the adjoining vacant lot with two houses would be inconsistent with the intent of the Zoning Ordinance.

THE BOARD THEREFORE RESOLVED, unanimously, that variances of 500 square feet net lot area, 15 feet front building line width, 1 foot side yard width for one side yard and 3 feet side yard width for the other side yard in order to construct a new single-family dwelling on the property located at Part of Lot 26, Block 2, West Riverdale Subdivision, being in the 6200 Block of 43rd Avenue, Hyattsville, Prince George's County, Maryland, are hereby DENIED.

BOARD OF ZONING APPEALS

By: Albert C. Scott
Albert C. Scott, Chairman *ACS*

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.

MEMORANDUM

October 18, 2021

TO: Barbara Stone, Administrator
 Board of Appeals

VIA: Howard Berger, Supervisor *HSB*
 Historic Preservation Section

FROM: Ashley Hall, Principal Planning Technician *ASH*
 Historic Preservation Section

SUBJECT: October 20, 2021 Board of Appeals Agenda

I have reviewed this agenda for impacts on identified Historic Sites and Historic Resources, and would like to provide the following comments:

Case	Comment
V-87-21 Alexander Iglesias Argueta 5403 Odell Road, Beltsville	Within 250 feet of Walnut Grange (PG:62-013). No effect on Historic Sites, Historic Resources, or Historic Districts.
V-109-21 Armando Hernandez Reyes 6913 Foster Street, District Heights	No effect on Historic Sites, Historic Resources, or Historic Districts.
V-92-21 Jeffrey I. Way 6701 Duluth Street, Hyattsville	No effect on Historic Sites, Historic Resources, or Historic Districts.
V-97-21 Metropolitan Building and Development Corp. 6211 43 rd Avenue, Hyattsville	Within Hyattsville Historic District (PG:68-010-00). Within 1,000 feet of Paxton House (PG:68-076). No effect on Historic Sites, Historic Resources, or Historic Districts.
V-98-21 Metropolitan Building and Development Corp. 6213 43 rd Avenue, Hyattsville	Within Hyattsville Historic District (PG:68-010-00). Within 1,000 feet of Paxton House (PG:68-076). No effect on Historic Sites, Historic Resources, or Historic Districts.
V-101-21 Leslie and James Morris, Jr. 6003 Hunt Weber Drive, Clinton	No effect on Historic Sites, Historic Resources, or Historic Districts.
V-108-21 James Scott and Jane Johnson-Scott 10410 Tottenham Road, Cheltenham	No effect on Historic Sites, Historic Resources, or Historic Districts.
V-110-21 Donald and Sharon Harris 3402 Castleleigh Road, Beltsville	No effect on Historic Sites, Historic Resources, or Historic Districts.

EXH. # 15
V-98-21

This document must be e-mailed or mailed to the Board of Appeals with photo of posted sign.

BOARD OF APPEALS – POSTING

Petitioner(s): Metropolitan Building and Development Corp

Appeal No.: V-98-21

THE SIGN(S) MUST BE POSTED ON THE PROPERTY FOR A PERIOD OF AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING BEFORE THE BOARD OF APPEALS. PERSON WHO POSTS SIGN(S) MUST COMPLETE CERTIFICATION OF POSTING. CERTIFICATION OF POSTING FORM MUST BE FILED, TOGETHER WITH PHOTOGRAPH(S) OF SIGN(S), WITH THE BOARD OF APPEALS **NO LATER THAN FIVE (5) BUSINESS DAYS AFTER THE FIRST DAY OF THE REQUIRED 15-DAY POSTING PERIOD, NOTED BELOW.**

POSTING PERIOD: 10/5/21 thru 10/20/21

RETURN CERTIFICATION OF POSTING, WITH PHOTOGRAPH(S),
BY NO LATER THAN: 10/12/21

CERTIFICATION OF POSTING

PETITIONER'S REQUEST IN THIS APPEAL WAS POSTED ON THE SUBJECT PROPERTY IN ACCORDANCE WITH SECTION 27-125.03(a) OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE ON (Date) October 05, 2021 BY (Name) John M. Hawvermak, (Address) 6211 43rd Avenue Hyattsville, MD, 20781. PHOTOGRAPH(S) OF THE SIGN(S) AS POSTED IS/ARE ATTACHED.

John M. Hawvermak
Signature of Person Who Posted Sign(s)
John M. Hawvermak
Printed Name

PLEASE ATTACH PHOTOGRAPH(S) OF SIGN(S)

Affidavit & photos can be e-mailed or mailed to:

Board of Appeals
Boardofappeals@co.pg.md.us
County Administration Building, Room L200
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772
(301) 952-3220

EXH. # 16
V-98-21

HEARING
1-952-3220
6:00 p.m.



BOARD OF APPEALS
HEARING
FOR INFORMATION
301-952-3220
APPEAL#
V-98-21
DATE: 10-20-21 TIME: 6:00 p.m.
COUNTY ADMINISTRATION BUILDING
UPPER MARLBORO, MD
www.princegeorgescountymd.gov

From: Bryan C. Spell <bspell@mhlawyers.com>
Sent: Wednesday, October 20, 2021 9:37 AM
To: Stone, Barbara J. <BJStone@co.pg.md.us>; Barlow, Celeste P. <CPBarlow@co.pg.md.us>; Antelo Vasquez, Olga A. <OAVasquez@co.pg.md.us>
Cc: Matthew C. Tedesco <mtesesco@mhlawyers.com>
Subject: V-97-21 and V-98-21

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Barbara,

I am writing this email to inform you that we will be submitting a request for a continuance today. Unfortunately, Dan Lynch is currently in the hospital and will not be able to attend the Virtual Hearings tonight.

Thank you,

Bryan



Bryan C. Spell

Land Use Coordinator/Law Clerk

McNamee Hosea

6411 Ivy Lane, Suite 200 ☎ 301.441.2420
Greenbelt, Maryland 20770 ☎ 301.982.9450

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EXH. # **17**
V-98-21

From: Stone, Barbara J. <BJStone@co.pg.md.us>
Sent: Tuesday, October 5, 2021 4:42 PM
To: Bryan C. Spell <bspell@mhlawyers.com>; Matthew C. Tedesco <mtedesco@mhlawyers.com>
Cc: Barlow, Celeste P. <CPBarlow@co.pg.md.us>; Antelo Vasquez, Olga A. <OAVasquez@co.pg.md.us>
Subject: RE: V-105-21

Attached, please find the binder for V-105-21 Housing Initiative Partnership.

Barbara J. Stone

*Administrator
Board of Appeals*

*Prince George's County Council
Legislative Branch
14741 Governor Oden Bowie Drive
Lower Level, Room L-200
County Administration Building
Upper Marlboro, Maryland 20772*

*Voice: 301-952-3221
Fax: 301-780-8194
bjstone@co.pg.md.us*



Boardofappeals@co.pg.md.us
<http://pgccouncil.us/BOA>

From: Bryan C. Spell <bspell@mhlawyers.com>
Sent: Tuesday, October 05, 2021 12:56 PM
To: Barlow, Celeste P. <CPBarlow@co.pg.md.us>; Stone, Barbara J. <BJStone@co.pg.md.us>
Cc: Matthew C. Tedesco <mtedesco@mhlawyers.com>
Subject: V-105-21

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Good Afternoon,
Can you send me the Exhibits/Binder for V-105-21?

Thank you,

Bryan



Bryan C. Spell

Land Use Coordinator/Law Clerk

McNamee Hosea

6411 Ivy Lane, Suite 200 ☎ 301.441.2420
Greenbelt, Maryland 20770 📠 301.982.9450

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This document is to be emailed to the Board of Appeals on the day of the Hearing.

BOARD OF APPEALS

AFFIDAVIT OF POSTING

Petitioner(s): Metropolitan Building and Development Corp

Appeal No.: V-98-21

The sign or signs required to be posted on the subject property to advertise the public hearing on the above case:

1. Remained standing as posted continuously from the 5th day of October, 2021, through 20th day of October, 2021. The sign(s) was (were) inspected at least one time during the required posting period to ensure that the sign(s) was (were) maintained.

OR

2. Was (were) not posted or did not remain posted continuously for the required 15-day period. (Explain further what happened to the sign or signs if #2 applies.) N/A

I solemnly affirm under the penalties of perjury that the contents of the foregoing affidavit are true to the best of my knowledge, information and belief.

John M. Hawvermale
Signature of Petitioner/Attorney

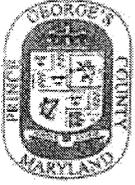
John M. Hawvermale
Name (Print or Type)

6211 43rd Avenue, Hyattsville, MD. 20781
Premise Address

9006 Charred Oak Dr, Bethesda, MD. 20817
Petitioner Address

O 301-952-9450
F 301-952-9450

EXH. # 18
V-98-21



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF VIRTUAL HEARING

Date: October 5, 2021

Petitioner: Metropolitan Building and Development Corporation
Appeal No.: V-98-21
Hearing Date: WEDNESDAY, OCTOBER 20, 2021, AT 6:00 P.M. **EVENING**
Place: Virtual Hearing

Appeal has been made to this Board for permission to validate existing conditions: Net lot area, front building line width, side yard width and a waiver of parking location on R-55 Zoned (One-Family Detached Residential) property known as Lot 26, Block 2, West Riverdale Subdivision, being 6213 43rd Avenue, Hyattsville, Prince George's County, Maryland, contrary to the requirements of the Zoning Ordinance.

The specific violation resides in the fact that Zoning Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-120.01(c) prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Variances of 500 square feet net lot area, 15 feet front building line width, 3 feet side yard width and a waiver of the parking area location requirement are requested.

Virtual hearing on this Appeal is set for the time and place stated above. **Petitioner, or counsel representing Petitioner, should be present at the hearing. A Petitioner which is a corporation, limited liability company, or other business entity MUST be represented by counsel, licensed to practice in the State of Maryland, at any hearing before the Board. Any non-attorney representative present at the hearing on behalf of the Petitioner (or any other person or entity) shall not be permitted to advocate.**

Adjoining property owners, who are owners of premises either contiguous to or opposite the property involved, are notified of this hearing in order that they may express their views if they so desire. However, their presence is not required unless they have testimony to offer the Board. In order to give verbal testimony during the virtual hearing, you must register with the Board of Appeals at least 5 days prior to the virtual hearing. Please call 301-952-3220 to register. No additional speakers will be allowed to give testimony unless registered with the Board. Please also visit the Board of Appeals website for Virtual Hearing Instructions and procedures at <http://pgccouncil.us/BOA>

If inclement weather exists on hearing date, please contact the office to ascertain if hearing is still scheduled.

BOARD OF ZONING APPEALS

By: 
Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
City of Hyattsville
Dan Lynch, Attorney

EXH. # **19**
V-98-21

V-98-21
METROPOLITAN BUILDING AND
DEVELOPMENT CORPORATION
9006 CHARRED OAK DRIVE
BETHESDA MD 20817

V-98-21
MARY DURKIN
6210 43RD AVENUE
HYATTSVILLE MD 20781

CITY OF HYATTSVILLE
ECONOMIC REVIEW
4310 GALLATIN STREET
HYATTSVILLE MD 20781

V-98-21
DAN LYNCH
6411 IVY LANE SUITE 200
GREENBELT MD 20770

V-98-21
NIAMBI MACK
KEVIN MACK
6215 43RD AVENUE
HYATTSVILLE MD 20781

V-98-21
JOSEPH & ROSANNA WEAVER
6208 43RD AVENUE
HYATTSVILLE MD 20781

V-98-21
CURTIS & CAROL RAMSEY-LUCAS
6208 43RD STREET
HYATTSVILLE MD 20781

EXH. # 20
V-98-21