

STATEMENT OF JUSTIFICATION IN SUPPORT OF VARIANCE APPLICATION

APPLICANT AND PROPERTY

The property forming the subject matter of this variance application is located at 3900 Jefferson Street in Hyattsville (the "property"). It is owned by the Applicant, 6Fifty Realty Group. The property comprises approximately 0.265 acres (11,547± sq. ft.) and is situated in the northeast quadrant of the intersection of Jefferson Street and 39th Avenue. More particularly, the property consists of Lot 10, Block 12, as depicted in the Subdivision entitled "Hyattsville Hills" as recorded among the Land Records of Prince George's County at Plat Book 2, Plat 64. A copy of said plat is marked "Exhibit "A" and attached hereto. It is also described in a deed dated October 4, 2018, which is recorded among the Land Records of Prince George's County in Liber 41469, Folio 159. A copy of this deed is marked Exhibit "B" and attached hereto.

There are two easements encumbering the property. The first is an eight-foot sewer easement crossing the southeast portion of the lot. That easement is depicted on the Final Record Plat (see Exhibit "A"). The second is a WSSC stormwater easement, which was recorded in 1950 at Liber 1187 Folio 365, a copy of which is marked Exhibit "C" and attached hereto. This WSSC easement runs diagonally and bisects the property almost evenly in two.

The property is presently improved with a single-family home which was constructed in 1966. There is a small parking pad in the front yard of the home on Jefferson Street which appears to utilize the neighboring driveway for access. A copy of a photograph depicting the current driveway is marked Exhibit "D" and attached hereto. There is also an existing curb cut along 39th Avenue. The curb cut serves a walkway leading to the rear of the home. An aerial photograph depicting the home and the subject property is marked Exhibit "E" and attached hereto. As this photograph illustrates, the home on the subject property is setback further from Jefferson Street than every other home in the vicinity. This is significant because the note on the Final Plat states that "all building restriction lines along front of lots are located 20 feet back from street lines, and 15 feet along side of lots." The other homes appear to be setback 20 feet and 15 feet respectively in accord with the plat.

DEVELOPMENT PROPOSAL

The applicant proposes to raze the existing single-family home and construct a new home. While the applicant is 6Fifty, LLC, this entity is owned by Mr. K.J. Hughes. Mr. Hughes currently resides in the City of Hyattsville and is constructing this house to be his primary residence. A Site Plan depicting the layout of the proposed home has been filed with this application. Architectural renderings of the home have also been provided. As

can be seen from the Site Plan, the Applicant is proposing to establish a new driveway which will utilize the existing curb cut on 39th Avenue and lead into a two-car garage that is attached and internal to the rear of the home. This driveway also provides access to a patio which is covered by a deck. The home and access to the first floor was specifically designed to accommodate Mr. Hughes' daughter, who is disabled. The driveway and garage have been design to accommodate an accessible van and to provide safe access to the home, which is also intentionally designed to be handicap accessible.

Notwithstanding the size of the lot, siting the house is extremely difficult given that the two easements and the setback requirements of the Zoning Ordinance have created a small, trapezoidal-shaped building envelope. Consequently, the Applicant proposes to construct a home which will conform to the unusually shaped building envelope. The front of the home will have a small porch and stairs leading to a concrete walkway which will connect to the sidewalk along Jefferson Street. The rear of the home will have a deck and patio.

NEED FOR VARIANCE

The property is in the R-55 Zone. First, it is worth addressing that in its Notice of Hearing, the Board of Zoning Appeals states that four variances are required. The four variances listed in the Notice are as follows: (1) 11 feet from front

building line width; (2) 3 feet front street line width; (3) 5 feet front yard depth; and (4) 7% net lot coverage. The Applicant submits that it does not need a variance from the front building line width or the front street line width.

For determining minimum front building line width and front street line width, the Notice cites Section 27-442(d) (Table III). Generally speaking, for one-family detached dwellings in the R-55 Zone, Table III indicates that the minimum front building line width is 65 feet and the minimum front street line width is 45 feet. These are the figures which were referenced in the Notice. However, in Table III, those figures are each accompanied by a reference to Footnote 4. Footnote 4 states that, for lots platted prior to April 17, 1928, the minimum front building line width is 50 feet, and the minimum front street line width is 25 feet. The Property in this case was platted prior to 1928 (see Exhibit "A"). Therefore, the Applicant asserts that it is subject to the minimum widths of Footnote 4.

A review of the Applicant's Site Plan confirms that the proposed home conforms to Footnote 4. The front street line width of the subject property is 47 feet, which exceeds *both* the 25-foot minimum in Footnote 4 and the general minimum of 45 feet. The proposed home also conforms to the 50-foot minimum front building line width of Footnote 4, whether measured 20 feet behind the street line (where the lot is 55 feet wide) or measured 25 feet

behind the street line (where the lot is 55 feet wide. Thus, no variance is required for either the lot width at the front street line or the lot width at the building.

The applicant also asserts that a variance for side yard depth is not needed. Typically, corner lots in the R-55 Zone require a minimum side yard depth of 25 feet from the street line (see Table IV). However, in Table IV the 25-foot requirement is accompanied by reference to Footnotes 5, 6, and 20. Footnotes 6 and 20 do not apply to the subject property. Footnote 5 does apply, and reads as follows:

If the lot adjoining the corner lot along its rear line does not front on the side street of the corner lot . . the minimum side yard shall be . . . fifteen (15) feet . . . in the R-55 Zone

The lot adjoining the subject property along its rear line is Lot 11 (see Exhibit "E"). Lot 11 is a corner lot as well, located in the southeast corner of the intersection of 39th Avenue and Kennedy Street. For corner lots, the Zoning Ordinance defines "front of lot" as "the shortest lot line that abuts a street." Lot 11 legally fronts on Kennedy Street because its shortest lot line abuts Kennedy Street rather than 39th Avenue. In other words, Lot 11 "does not front on the side street (39th Avenue) of the corner lot (Lot 12)." Therefore, the applicant submits that the minimum side yard depth is 15 feet from the street line rather than 25 feet. It is also worth addressing the fact that, although Lot 11 fronts on

Kennedy Street, the existing home on Lot 11 faces 39th Avenue. The applicant submits that this does not impact the application of Footnote 5 because Footnote 5 specifically refers to the front of "lots" rather than the front of "dwellings," "buildings," "structures," etc.

Based upon the above analysis, the Applicant does request variances from two provisions of the Zoning Ordinance—lot coverage and the front yard setback from Jefferson Street. Regarding the lot coverage variance, Section 27-442(c) (Table II) states that not more than 30% of the net lot area may be covered by buildings and off-street parking. The Applicant's initial Site Plan was developed with the understanding that, excluding all deck and patio space, the net lot coverage was approximately 29.9%. The engineer created the plan and arrived at this figure in reliance upon email correspondence with staff. In those emails, staff advised the engineer that no portion of decks and patios are included in calculating net lot coverage. A copy of this email exchange is marked Exhibit "F" and attached hereto. As it turns out, the deck covers the patio area underneath and, when such a condition exists, constitutes lot coverage. In that case, the deck should have been considered as well. When considering this area, the net lot coverage is 32%. Based on this calculation, the applicant is requesting a variance of 2% from the maximum net lot coverage.

Regarding the front yard setback, Section 27-442(e) (Table IV) requires a front yard setback of 25 feet. The Applicant is proposing a 20 foot front yard setback. Thus, a five foot variance is requested.

AUTHORITY OF BOARD OF ZONING APPEALS TO GRANT THIS VARIANCE

The general powers and duties of the Board of Zoning Appeals are set forth in Section 27-229 of the Zoning Ordinance. Section 27-229(a) (1) states in relevant part that the Board of Appeals has the power "to hear and decide appeals involving variances from the strict application of this Subtitle." Over the years, the District Council has added restrictions to the Board's variance authority. Those restrictions are set forth in Section 27-229(b). There are 39 individual restrictions, none of which apply to the instant case. Therefore, there is no limit on the Board's authority to consider and approve this variance application.

COMPLIANCE WITH ZONING ORDINANCE VARIANCE CRITERIA

Decisions regarding variances must conform to the criteria set forth in Section 27-230 of the Zoning Ordinance. The Applicant submits the variances in this case conform to all legislative requirements. Section 27-230 provides as follows:

- (a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**
 - (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exception topographic conditions, or other extraordinary situations or conditions;**

The subject property is extraordinarily unique. Even without the two easements, the property is still an awkward, trapezoid-shaped corner lot. When the shape of the lot is viewed in conjunction with the two easements, what is left is a clearly unusual building area. Attached hereto as Exhibit "G" is a depiction of the building envelope of the lot based on the required setbacks and the easement. Indeed, while the net lot area is approximately 11,547 square feet, the buildable area outside the required setbacks and outside the easements is only 3,278 square feet. As noted, the WSSC easement divides the property in half, resulting in a building area that stretches diagonally across the property between the two easements.

- (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**

It is important to note that the Maryland Court of Special Appeals has held a distinction exists between use variances and area variances. The variance application being considered in this case is in fact an area variance as it deals with development regulations concerning setbacks and lot coverage. A lower burden of proof is required of an applicant seeking an area variance. Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d. 220 (1974). Further, the Court in Anderson also held that where an area variance is being requested, an applicant

is not required to prove the existence of both practical difficulty and undue hardship. Instead, when requesting an area variance pursuant to an ordinance such as that contained in the Prince George's County Zoning Ordinance, in Section 27-422, an applicant is only required to show the existence of practical difficulty. In Anderson, the Court of Special Appeals opined that in proving practical difficulty, an applicant need only show that requiring strict conformance with the terms of the restriction in question (1) "would unreasonably prevent an owner from using the property from a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;" (2) whether grant of the variance applied for would do substantial justice to all involved; and (3) whether relief can be granted so that the spirit of the ordinance in question can be observed (See Anderson, page 39).

The variances requested in this case far exceed the practical difficulty standard. If the variances are not approved, then conformity with the restrictions would be not just unnecessarily burdensome, but prohibitively burdensome. The applicant has gone to great lengths already to propose a site design that will conform with most regulations. But for the unusual building envelope, the applicant would conform with all regulations and would not require these variances. Conforming to all regulations at this property would require the applicant to either radically reduce or entirely

eliminate certain components of the home such as the decking, patio, and driveway.

As it relates to lot coverage, a substantial portion of the 32% calculation is attributable to the driveway. Because of the easements, the proposed two-car garage is internal to the rear of the home. The location of the garage requires the driveway to be moved to 39th Avenue, which creates more lot coverage in that respect. Again, these are all accommodations which the applicant must make in order to build the home within the building envelope. Put simply, there is nowhere else for the driveway or the home to go. Moreover, if the driveway is not moved to 39th Avenue, then the existing driveway will remain in use. As illustrated by Exhibit "D", this would require the applicant to continue using the neighbor's driveway. Thus, strictly conforming to the regulations would certainly and unnecessarily burden the applicant.

Conversely, granting the variances would do substantial justice for all. Single-family detached homes are permitted by right in the R-55 Zone. It is worth reiterating the setback requirements which apply to the property. In general, the R-55 Zone would require 25-foot front yard and 25-foot front side yard setbacks. However, all homes in the area are setback 20 feet from the front streets and, where applicable, 15 feet from side streets. The actual setbacks are the result of the Final Record Plat. The existing home on the property does *not* conform to the setbacks in

the record plat. If these variance requests are granted, the applicant will be bringing the new home into conformity with the other houses in the neighborhood. Granting this request therefore represents an opportunity to foster a uniform scheme of development related to setbacks in the neighborhood.

Finally, it must be emphasized that the applicant did not create the need for these variances. Rather, the need for the variances is primarily the result of two easements which serve public utilities. The sewer easement was created almost a century ago, whereas the WSSC stormwater easement was created seventy years ago. The applicant merely wishes to build a new home on the property, which is permitted by right in the R-55 Zone and which will not disturb the public utilities served by the two easements.

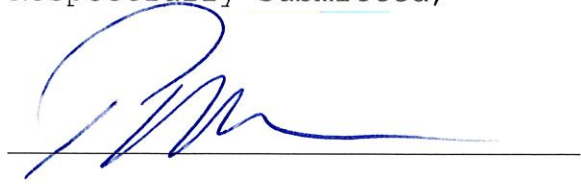
(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The Master Plan recommends that the property be developed with a residential use. Therefore, the grant of this variance would not substantially impair the intent, purpose, or integrity of the Master Plan or the General Plan.

CONCLUSION

Based on the foregoing, the applicant submits that the criteria for the grant of the variances are met and satisfied and therefore requests that the variances be granted as requested.

Respectfully submitted,



Thomas H. Haller
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033

NOTE: All building construction lines along front of lots are located 20 ft. back from street line and 15 ft. along side of lots.

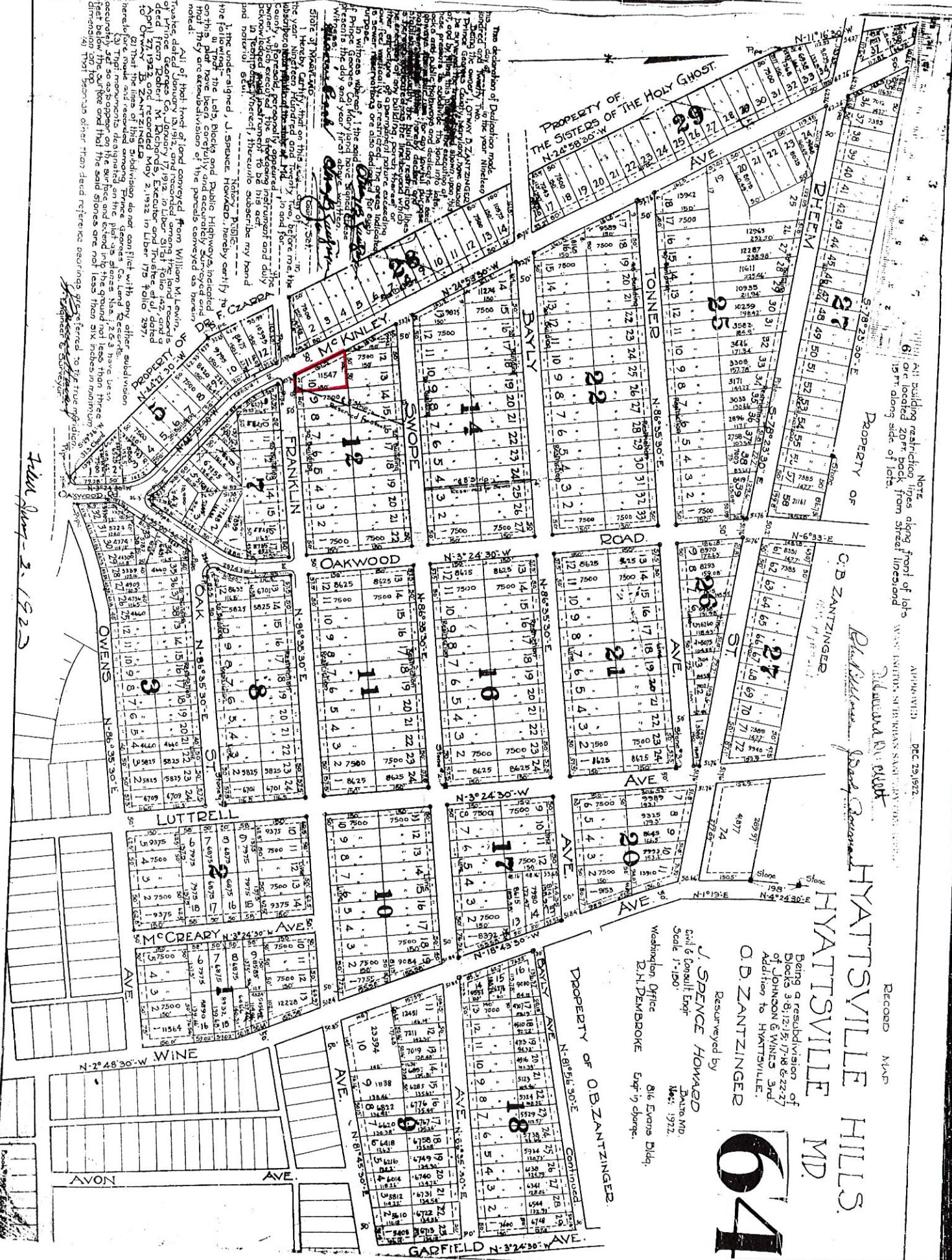
APPROVED DEC 29, 1922.
 WALTER H. HARRIS, REGISTERED SURVEYOR, BALTIMORE, MARYLAND.

HYATTSVILLE HILLS
 HYATTSVILLE
 MD.

Being a resubdivision of
 Blocks 3, 6, 12, 15, 17, 18 & 22-27
 of JOHNSON & WINES 3rd
 Addition to HYATTSVILLE.
 O. B. ZANTZINGER

Resurveyed by
J. SPENCE HOWARD
 Civil & Consulting Eng.
 Scale 1" = 100'.
 Washington Office
 1241 DEMBROKE
 Eng'g. charge.
 Old Evans Bldg.
 BALTIMORE, MD.
 Nov. 1922.

64



This declaration of Dedication made and accepted by the year Nineteen Twenty Two, by O. B. ZANTZINGER, the owner, is hereby confirmed and approved by the Board of Public Works and declared to be a public highway and dedicated to the use of the public for the purpose of a thoroughfare. The said highway is hereby dedicated to the use of the public for the purpose of a thoroughfare and the same is hereby dedicated to the use of the public for the purpose of a thoroughfare. The said highway is hereby dedicated to the use of the public for the purpose of a thoroughfare. The said highway is hereby dedicated to the use of the public for the purpose of a thoroughfare.

I, the undersigned, J. Spence Howard, hereby certify that the following lots, blocks and public highways, indicated on this plat, are lawfully and lawfully surveyed and that they are a subdivision of the parcels conveyed as herein noted:
 All of that tract of land conveyed from William M. Lewis, et al., to O. B. ZANTZINGER, and recorded among the land records of the County of Prince Georges, Maryland, on the 1st day of April, 1922, and recorded May 2, 1922 in Liber 175 folio 257; and the lots of this subdivision do not conflict with any other subdivision hereof.
 (2) That monuments, distances, bearings, etc., are given accurately, and so as to appear on the surface and extend therebelow the surface and that the said stones are not less than six inches in diameter and not less than three feet in height.

Thin part - 3. 1922

Cardinal Title Group, LLC
File No. MD-18S-7150-DM
Tax ID # 16-1791664

This Deed, made this 4th day of October, 2018, by and between **Mario J. Benitez** and **Lidia M. Benitez**, GRANTORS, and **6FIFTY REALTY GROUP**, GRANTEE.

Witnesseth –

That in consideration of the sum of Four Hundred Thirty-Five Thousand and 00/100 Dollars (\$435,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee, in fee simple, all that lot of ground situate in the County of Prince George's, State of Maryland and described as follows, that is to say:

Being known and designated as Lot Numbered Ten (10) in Block Numbered Twelve (12) in a subdivision known as "HYATTSVILLE HILLS", as per plat thereof recorded in Plat Book RNR 2 at Plat no. 64 among the Land Records of Prince George's County, Maryland.

BEING the fee simple property which, by Deed dated December 4, 2003, and recorded in the Land Records of the County of Prince George's, Maryland, in Liber 18802, Folio 594, was granted and conveyed by MARIO J. BENITEZ unto MARIO J. BENITEZ AND LIDIA M. BENITEZ.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said 6FIFTY REALTY GROUP, in fee simple.

And the Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant Specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

PRINCE GEORGE'S COUNTY, MD
APPROVED BY: # 52
DATE: 10-25-18
\$ 2392.00 TRANSFER TAX PAID
\$ 6090.00 TRANSFER TAX PAID

LR - Deed (w/
Recording date)
Name: 6FIFTY
GROUP
Ref:
LR - Deed (w/)
Surcharge 40.00
LR - Deed State
Transfer Tax 2,175.00
LR - NR Tax - 1kd 0.00
SubTotal: 2,235.00
Total: 2,235.00
10/31/2018 02:39
#11210352 CC0703 - CC16-PP
Prince George's
County/CC07.03.01 -
Register 01

Exhibit "B"

In Witness Whereof, Grantors have caused this Deed to be properly executed and sealed the day and year first above written.

Mario J. Benitez (SEAL)
Mario J. Benitez

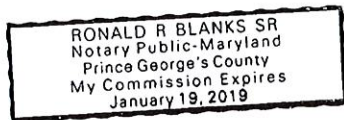
Lidia M. Benitez (SEAL)
Lidia M. Benitez

STATE OF MARYLAND }
COUNTY OF PRINCE GEORGE'S } ss

I hereby certify that on this 4th day of October, 2018, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Mario J. Benitez and Lidia M. Benitez, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

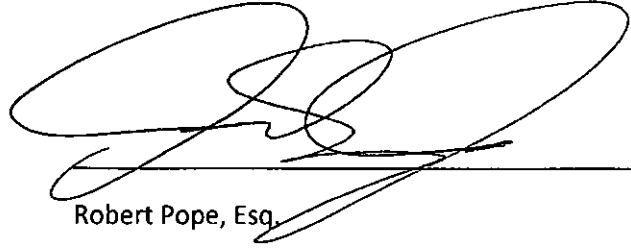
[Signature]
Notary Public
My Commission Expires: 11/19/2019



AFTER RECORDING, PLEASE RETURN TO:
Cardinal Title Group, LLC
6710 Oxon Hill Road
Suite 460
Oxon Hill, Maryland 20745

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) SJH 41469, p. 0160, MSA_CE64_41778. Date available 11/16/2018. Printed 03/04/2020.

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.



Robert Pope, Esq.

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2018

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Mario J. Benitez

2. Reasons for Exemption

Resident Status [X] As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

[] Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence [] Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness [Signature]

Mario J. Benitez 10-24-18
Name **Date

[Signature]
Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name **Date

Title

** Form must be dated to be valid.

Note: Form is only valid if recordation occurs within 60 days of execution of this form.

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) SJH 41469, p. 0162, MSA_CE64_41778. Date available 11/16/2018. Printed 03/04/2020.

MARYLAND
FORM
WH-AR

**Certification of Exemption from Withholding Upon
Disposition of Maryland Real Estate Affidavit of
Residence or Principal Residence**

2018

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1. Transferor Information

Name of Transferor Lidia M. Benitez

2. Reasons for Exemption

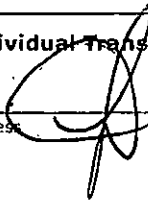
Resident Status As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness 

Lidia M. Benitez
Name

10-4-18
**Date

Lidia Benitez
Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

**Date

Title

** Form must be dated to be valid.

Note: Form is only valid if recordation occurs within 60 days of execution of this form.

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) SJH 41469, p. 0163, MSA_CE64_41778. Date available 11/16/2018. Printed 03/04/2020.

State of Maryland Land Instrument Intake Sheet

Baltimore City County: Prince George's
Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only--All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

Form sections: 1 Type(s) of Instruments, 2 Conveyance Type Check Box, 3 Tax Exemptions, 4 Consideration and Tax Calculations, 5 Fees, 6 Description of Property, 7 Transferred From, 8 Transferred To, 9 Other Names to Be Indexed, 10 Contact/Mail Information, 11 Assessment Information, and Assessment Use Only table.

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) SJH 41469, p. 0164, MSA_CE64_41778. Date available 11/16/2018. Printed 03/04/2020.

Space Reserved for County Validation

Filed to
Washington, Maryland
January 17, 1950

RECORDED

1950 JAN-4 AM 11:45

W. WAVERLY WEDD
CLERK CIRCUIT COURT

365

THIS RIGHT OF WAY

Made this 24th day of October, in the year of our Lord one thousand nine hundred and forty-nine, by and between ZANTZINGER PROPERTIES, INCORPORATED, a corporation organized and existing under the laws of the State of Maryland, party of the first part, and the Washington Suburban Sanitary Commission, a public corporation of the State of Maryland, organized and existing under the laws of said state, party of the second part.

WITNESSETH: That in consideration of the sum of ONE HUNDRED 00/100**** Dollars (\$100.00****) to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, the easements and rights of way hereinafter described for the installation, construction, reconstruction, maintenance, repair, operation and inspection of a storm drain and a sewer within said easements and rights of way, together with the right of ingress and egress along and over said rights of way, for any and all of such purposes; the said rights of way and easements being described as follows:

PART 1. FOR A STORM DRAIN:

Being a strip or parcel of land hereinafter described, in, through, over and across Lot 1, Block 28, "Hyattsville Hills", as shown on a Plat thereof recorded among the Land Records of Prince George's County, Maryland, in Plat Book R.N.R. 2 at Folio 64.

Beginning for the said strip or parcel of land at the southeast corner of said Lot 1, Block 28, and running thence South 86°35'30" West, 21.5 feet with and along the south line of said Lot 1, and the north line of Franklin Avenue (Jefferson Street) as shown on the aforesaid Plat to a point thereon, thence North 28°29' East, 24.9 feet to a point on the east line of said

Exhibit "C"

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Lot 1 and the west line of McKinley Avenue (39th Street) as shown on the aforesaid Plat, thence South $24^{\circ} 58' 30''$ East, 22.7 feet with and along said west line of McKinley Avenue (39th Street) to the point of beginning.

PART 2. FOR A STORM DRAIN:

Being a strip or parcel of land, in, through, over and across Lot 10, Block 12, "Hyattsville Hills", as shown on a Plat thereof, recorded among the aforesaid Land Records in Plat Book R.N.R. 2, at Folio 64.

Beginning for the said strip or parcel of land at a point on the west line of said Lot 10, Block 12, said west line being the east line of McKinley Avenue (39th Street) as shown on the aforesaid plat, 53.5 feet north of the southwest corner of said Lot 10, and running thence

North $24^{\circ} 58' 30''$ West, 24.4 feet with and along the aforesaid west line of Lot 10 to a point thereon, thence

North $30^{\circ} 15'$ East, 93.1 feet to a point on the north line of said Lot 10, thence

North $86^{\circ} 35' 30''$ East, 24.3 feet with and along said north line of Lot 10, to the northeast corner thereof, thence

South $30^{\circ} 15'$ West, 80.2 feet to a point, thence

South $59^{\circ} 45'$ East, 5.0 feet to a point, thence

South $30^{\circ} 15'$ West, 15.5 feet to a point, thence

North $59^{\circ} 45'$ West, 5.0 feet to a point, thence

South $30^{\circ} 15'$ West, 24.8 feet to the point of beginning.

PART 3. FOR A STORM DRAIN:

Being a strip or parcel of land, twenty (20) feet wide, ten (10) feet on each side of the centerline hereinafter described in, through, over and across Lot 15, Block 12, "Hyattsville Hills", as shown on a Plat thereof recorded among the aforesaid Land Records in Plat Book R.N.R. 2, at Folio 64.

Beginning for the said centerline of the said strip or parcel of land at a point on the west line of said Lot 15, Block 12, 62.0

feet south of the northwest corner of said Lot 15, and running thence

North $32^{\circ} 16'$ East, 76.3 feet to a point on the north line of said Lot 15, 5.5 feet west of the northeast corner thereof, said north line of Lot 15, being the south line of Swope Avenue (Kennedy Street) as shown on the aforesaid Plat.

PART 4. FOR A SEWER AND A STORM DRAIN:

Being a strip or parcel of land thirty (30) feet wide, fifteen (15) feet on each side of the centerline hereinafter described, in, through, over and across Lot 7, Block 14, "Hyattsville Hills", as shown on a Plat thereof, recorded among the aforesaid Land Records in Plat Book R.N.R. 2 as Plat 64.

Beginning for the said centerline of the said strip or parcel of land at a point on the south line of said Lot 7, Block 14, 10.3 feet east of the southwest corner thereof, said south line being the north line of Swope Avenue (Kennedy Street) as shown on the aforesaid Plat, and running thence North $26^{\circ} 32'$ East, 79.6 feet to a point on the east line of said Lot 7.

69.0 feet north of the southeast corner thereof.

PART 5. FOR A SEWER AND A STORM DRAIN:

Being a strip or parcel of land twenty-five (25) feet wide, twelve and one-half (12-1/2) feet on each side of the centerline, hereinafter described in, through, over and across Lots 24 and 25, Block 14, "Hyattsville Hills", as shown on a Plat thereof, recorded among the aforesaid Land Records in Plat Book R.N.R. 2 at Folio 64.

Beginning for the said centerline of the said strip or parcel of land at a point on the west line of said Lot 24, Block 14, 60.0 feet north of the southwest corner thereof and running thence North $37^{\circ} 20'$ East, 118.7 feet to a point on the north line of

said Lot 25, 22.5 feet west of the northeast corner thereof, said north line being the south line of Bayly Avenue (Longfellow Street) as shown on the

368

aforesaid Plat.

PART 6. FOR A STORM DRAIN:

Being a strip or parcel of land, in, through, over and across the property of the party of the first part as obtained in a deed from Frances L. Balluff, dated November 20, 1944, and recorded among the aforesaid Land Records, in Liber 759 at Folio 389; which deed refers for a more complete description to a deed from the County Commissioners of Prince George's County, Maryland, to said Frances L. Balluff, dated October 17, 1944, recorded among the aforesaid Land Records in Liber 759 at Folio 387; the said strip or parcel of land hereinafter described being in, through, over and across Lot 1-A, 1-B, 1-C, Block 22, "Hyattsville Hills", as described in the aforesaid deed from County Commissioners of Prince George's County.

Beginning for the said strip or parcel of land at a point on the south line of said Lot 1-C, said south line being the north line of Bayly Avenue (Longfellow Street) as shown on the aforesaid Plat, 56.0 feet west of the southeast corner thereof and running thence

North 28° 40' East, 16.0 feet to a point, thence

North 61° 20' West, 5.0 feet to a point, thence

North 28° 40' East, 97.2 to a point on the west line of Oakwood Road, (40th Avenue) 1.5 feet south of the northeast corner of said Lot 1-B, thence

North 3° 24' 30" West, 37.7 feet with and along said west line of Oakwood Road, (40th Avenue), to a point thereon, thence

South 28° 40' West, 133.2 feet to a point, thence,

North 61° 20' West, 5.0 feet to a point, thence

South 28° 40' West, 14.0 feet to a point, thence

South 61° 20' East, 5.0 feet to a point, thence

South 28° 40' West, 13.5 feet to a point on the aforesaid south line of said Lot 1-C, Thence

South 86° 35' 30" West; 29.4 feet with and along said south line of Lot 1-C to the point of beginning.

TO HAND AND TO HOLD said easements and rights of way for a storm drain and for a sewer and storm drain above described or mentioned and hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the only proper use, benefit and behoof forever of the said Washington Suburban Sanitary Commission, its successors and assigns.

AND the party of the first part, for itself, its successors and assigns, covenants and agrees with the party of the second part, its successors and assigns, as follows: FIRST: That it will never erect nor permit to be erected any building or structure of any nature whatsoever within the above described easements and rights of way for a storm drain and for a sewer and storm drain. SECOND: that the party of the second part, its successors and assigns, shall at all times have right of ingress and egress over said easements and rights of way for the purpose of installing, constructing, reconstructing, maintaining, repairing, operating and inspecting the said storm drain and sewer and storm drain within said easements and rights of way, said ingress and egress to be along the line herein designated and along such other lines as the party of the first part may designate. THIRD: that it will warrant specially said easements and rights of way and will execute such further assurances thereof as may be requisite.



IN TESTIMONY WHEREOF, the said Zantzinger Properties, Incorporated, a corporation, has caused these presents to be signed by Richard C. Zantzinger, its President, attested by Alway B. Zantzinger, its Secretary, and its corporate seal to be hereunto affixed the day and year first hereinabove written.

ZANTZINGER PROPERTIES, INCORPORATED
By Richard C. Zantzinger
-5 Richard C. Zantzinger (Res. 10/20)

370 ATTEST:

By Orway B. Zantzing
Orway B. Zantzing, (Secretary)

STATE OF Maryland :
COUNTY OF Prince George's : SS

On this 24th day of October, 1949,
before me, A Notary Public, the
undersigned officer, personally appeared, _____

Richard C. Zantzing, President of Zantzing Properties,
Incorporated, a corporation, known to me to be the person
whose name is subscribed to the within instrument and acknow-
ledged that he executed the same for the purposes herein
contained.

IN WITNESS WHEREOF, I hereunto set my hand and
seal.



Louise F. Redmond
Notary Public
Louise F. Redmond



Exhibit "D"

Hyattsville, Maryland



Street View

Image capture: Jun 2012 © 2020 Google



8.5X11_Landscape



Exhibit "E"

Fwd: site plan

Jorge Concepcion <jorge@kuba-arch.com>

Thu 2/27/2020 11:45 AM

To: Massoud Towhidi <Massoud@cddi.net>; Milton Perez <perez@cddi.net>

See below for the conversation with the county official. I highlighted the sentence where she mentions what counts as lot coverage. It is the same person regarding the setbacks. This is just so you are aware.

Thanks,
Jorge Concepcion
Design Associate

e: jorge@kuba-arch.com

c: [787-378-1697](tel:787-378-1697)

o: [202-986-0573](tel:202-986-0573)

NEW ADDRESS:

KUBE architecture

818 18th Street NW - Suite 600

Washington, DC. 20006

www.KUBE-arch.com

----- Forwarded message -----

From: **Isenberg, Lisa** <Lisa.Isenberg@ppd.mncppc.org>

Date: Wed, Nov 14, 2018 at 1:46 PM

Subject: RE: site plan

To: Jorge Concepcion <jorge@kuba-arch.com>

Please see my answers next to each of your questions.

Lisa K. Isenberg

Principal Planning Technician

Planning Information Services

Maryland-National Capital Park and Planning Commission

14741 Governor Oden Bowie Drive

Room L-2

Upper Marlboro, Maryland 20772

Exhibit "F"

301-952-3208

301-952-3295 (fax)

lisa.isenberg@ppd.mncppc.org

[How am I doing? Email my supervisor](#)

From: Jorge Concepcion <jorge@kuba-arch.com>
Sent: Wednesday, November 14, 2018 11:51 AM
To: Isenberg, Lisa <Lisa.Isenberg@ppd.mncppc.org>
Subject: Re: site plan

Hey Lisa,

Thanks again for providing this. I wanted to verify a few things or hoping if you can direct me to the right person who could do so. I have searched the questions below online and just wanted to get a verification from any county official

01- Lot Coverage in PG County includes every previous surface or does it exclude driveways or patios? **Lot coverage is everything under roof and the driveway (drive/parkable surface)/ It does not include patios or decks. Does not matter if pervious/impervious surfaces.**

02- The max lot coverage for R-55 is 30%, correct? **Yes, that is correct.**

03- Front and side setbacks' are at 20'-0", correct? **The setbacks in the R-55 zone is 25' from the front, 20' from the rear, 8/9' from the sides. There is no zero lot line development in Prince George's County.**

Thanks,

Jorge Concepcion

Design Associate

e: jorge@kuba-arch.com

c: [787-378-1697](tel:787-378-1697)

o: [202-986-0573](tel:202-986-0573)

KUBE architecture
1700 Connecticut Ave NW - Suite 301
Washington, DC. 20009
www.KUBE-arch.com

On Thu, Oct 25, 2018 at 11:57 AM Isenberg, Lisa <Lisa.Isenberg@ppd.mncppc.org> wrote:

Attached please find a copy of the site plan you requested. If you have any additional questions, please let me know.

Lisa K. Isenberg

Principal Planning Technician

Planning Information Services

Maryland-National Capital Park and Planning Commission

14741 Governor Oden Bowie Drive

Room L-2

Upper Marlboro, Maryland 20772

301-952-3208

301-952-3295 (fax)

lisa.isenberg@ppd.mncppc.org

[How am I doing? Email my supervisor](#)

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