



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-24-24 Deyar, LLC

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: June 20, 2024.

CERTIFICATE OF SERVICE

This is to certify that on October 31, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone", is placed over a horizontal line.

Barbara J Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Traci Scudder, Esq., Scudder Legal

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

Petitioner: Deyar, LLC

Appeal No.: V-24-24

Subject Property: Lots 25 and 26, Block 76P, Greater Capitol Heights Subdivision, being 1306 Opus Avenue, Capital Heights, Prince George's County, Maryland

Counsel for Petitioner: Traci R. Scudder, Esq., Scudder Legal

Witnesses: Ziyad Shalabi, P.E., PLS, Engineer

Terry Myers, Legal Assistant to Traci R. Scudder, Esq.

Heard: May 8, 2024; Decided: June 20, 2024

Board Members Present and Voting: Bobbie S. Mack, Chairperson¹

Carl Isler, Vice Chair

Teia Hill, Member

Renee Alston, 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 prior Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-442(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to construct a two-story single-family dwelling (30' x 30'), covered stoop (4' x 6'), basement, and garage on RSF-65 (prior zone R-55) Zoned property. Variances of 1,000 square feet net lot area and 1% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1909, contains 4,000 square feet, is zoned RSF-65 (Residential, Single Family-65) and is currently on a vacant lot. Exhibits (Exhs.) 2, 3 (A) thru (B), 8, and 10 (A) thru (E).
2. The subject properties are short and narrow. Furthermore, the unique, odd shape of the property was caused by a portion of the property being used to construct Capital Center Boulevard. Exhs. 2, 4, 7 Map (A) & (B), and 10 (A) thru (E).
3. Petitioner proposes to construct a two-story single-family dwelling (30' x 30'), covered stoop (4' x 6'), basement, and garage. Variances of 1,000 square feet net lot area and 1% net lot coverage are requested. Exhs. 2, 3 (A) thru (B), and 12, and 24.
4. Traci Scudder, Attorney for the Petitioner, clarified that the Petitioner desired to have its application considered under the prior Prince George's County Zoning Ordinance. Further, Ms. Scudder testified that the necessary variance to achieve the Petitioner's submitted plans is a 1000 square feet net lot area. Exh. 19.

¹ Chairperson Mack was present and voted at the May 8, 2024 meeting; however, she was not present during the final vote on V-24-24 on June 20, 2024.

5. Keisha Garner, Attorney for the Board of Appeals, stated that the case needed to be readvertised because of the incorrect information found on the Board of Appeals Hearing Notice.

6. Chair Mack made the Motion to Readvertise, and Vice Chair Isler seconded the motion. Motion carried by a 4-0 vote.

7. After the case was properly advertised with a revised Hearing Notice, V-24-24 continued on June 20th with Board Members Isler, Alston, and Hill present.

8. Ms. Scudder completed a brief synopsis of the Petitioner's proposed development on lots 25 and 26. Exhs. 2, 3 (A) thru (B), and 10 (A) thru (E).

9. Ms. Scudder indicated that a correction to the Statement of Justification was needed to correct it saying, "long and narrow" and should read "short and narrow" to describe the Petitioner's property. Exh. 16.

10. Ms. Scudder directed the Board to review the subdivision plat that demonstrates the Petitioner's property is oddly shaped and smaller than surrounding blocks, and additionally, a portion of the Petitioner's property was subjected to a Taking for the Capital Center Boulevard development. Exhs. 4, 7 Map (A) thru (B), and 10 (A) thru (E).

11. Ms. Scudder further stated to the Board that the original development of Petitioner's property was in 1909 before the advent of zoning and subdivision requirements in Prince George's County.

12. Vice Chair Isler verbally analyzed the six (6) criteria needed for the Board to grant a variance and determined that all have been met.

13. Vice Chair Isler made a Motion to Approve V-24-24 and the Second was made by Board Member Alston. The vote to Approve carried by a 3-0 vote.

Applicable Code Section and Authority

Sec. 27-230. Criteria for granting appeals involving variances.

- (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 is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
 - (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;
 - (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;
 - (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property; and
 - (5) Such variance will not substantially impair the use and enjoyment of adjacent properties.
 - (6) Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

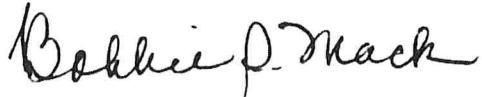
Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the lot being developed in 1909, before the establishment of the Prince George's County Zoning Ordinance and Subdivision Regulations, the specific property is oddly shaped, short, and narrow, making it physically unique and unusual in a manner different for the nature of surrounding properties with respect to exceptional narrowness and topographic conditions. Additionally, the particular uniqueness and peculiarity would cause a zoning provision to impact disproportionately upon the property as the Petitioner would not be able to develop under the 5,000 square-foot net lot area. Further, the Board found no evidence in the record that this variance would substantially impair the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the property. Lastly, the Board found and no parties testified, that the variance would substantially impair the use and enjoyment of adjacent properties, and there is no development on the property so the practical difficulty was not self-inflicted by the owner of the property.

BE IT THEREFORE RESOLVED, by a 3-0 vote, Chair Mack being absent, that variances of 1,000 square feet net lot area and 1% net lot coverage to obtain a building permit for a two-story single-family dwelling, covered stoop, basement, and garage on the property located at 1306 Opus Avenue, Capital Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (A) thru (B).

BOARD OF ZONING APPEALS

By: 

Bobbie S. Mack, Chairperson

APPROVED FOR LEGAL SUFFICIENCY

By: 

Ellis Watson (Oct 28, 2024 13:53 EDT)

Ellis Watson, Esq.

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.

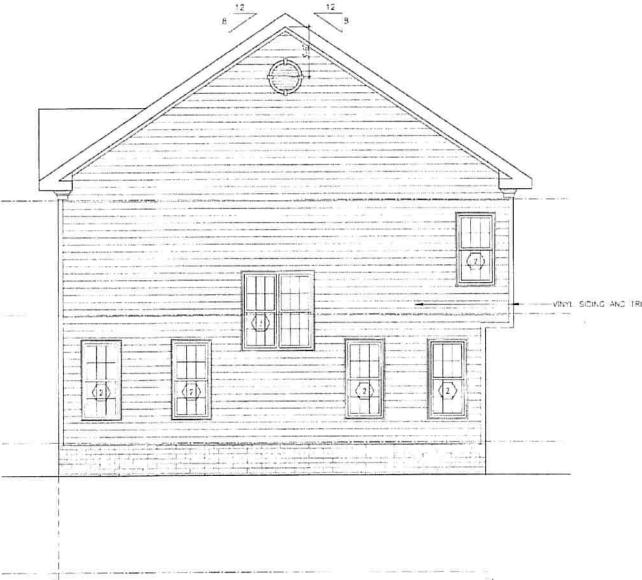
Further, Section 27-233(a) of the Prince George's County Code states:

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.

BOARD OF APPEALS

APPROVED JUN 20 2024

Barbara J. Stone
ADMINISTRATOR



SIDE ELEVATION (RIGHT)
1/4"=1'-0"

2

3(A)



FRONT ELEVATION
1/4"=1'-0"

1

Ex. # 3(a-b)
V-24-24

DO NOT SCALE FROM PRINT

A5

JOB: 2017-012B
Applied Civil
Engineering, Inc.
9470 Annapolis Road #A14
Lanham, MD 20706
TEL: 301.459.5932

DESCRIPTION	
DESIGNED BY	REV. AT
GCI	DATE
DRAWN BY	
WCR	
CHECKED BY	PERIODIC
	INSPECTED
FILED BY	
COUNTY	
PUBLIC USES AND	

PRODUCT TITLE	
The	3(a-b)
COLONIAL	V-24-24
SHOE MOLDING	
ELABORATE ELEVATIONS (FRONT & RIGHT SIDE)	

SIDE ELEVATION (LEFT)

2



REAR ELEVATION

1



DO NOT SCALE FROM PRINT

A6

PROJECT TITLE
The
COLONIAL
SHEET TITLE
ELEVATIONS (REAR & LEFT SIDE)

DESIGNED BY:	REV. NO.:	DATE:	DESCRIPTION:
GCI			
DRAWN BY:			
WGB			
checked by:			
	FILE:	COUNTY:	PERMIT #:
		PRINCE GEORGE'S MD.	ISSUED:

Applied Civil
Engineering, Inc.
9470 Annapolis Road #414
Lanham, MD 20706
TEL: 301.459.5932

JOB# 201-010-20