



# 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*

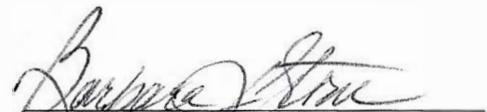
## *OF BOARD OF APPEALS*

RE: Case No. V-4-22 Glover and Associates Profit Sharing Plan

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, 2022.

## **CERTIFICATE OF SERVICE**

This is to certify that on May 2, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
Barbara J Stone  
Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting

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

Petitioner: Glover & Associates Inc. Profit Sharing Plan  
Appeal No.: V-4-22

Subject Property: Lot 9, Block C, Chapel Oaks Subdivision, being 1304 Oates Street, Capitol Heights,  
Prince George's County, Maryland

Witnesses: Stephanie Smith, Esq., Offit/Kurman Attorneys at Law  
Gary Glover, Glover and Associates Inc.  
Steve Frankenfield, Contractor

Heard and Decided: February 9, 2022

Board Members Present and Voting: Albert C. Scott, Vice Chairman  
Anastasia T. Johnson, Member

Board Member Absent Bobbie Mack, Chairperson

**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 a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth and each lot shall have a side yard at least 7 feet in width, Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 5,500 square feet. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 55 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. Petitioner proposes to validate existing conditions (front yard depth, side yard width, net lot area, front building line width and waiver of the parking area) and obtain a building permit for the unauthorized construction of enclosed front porch. A variances of 9 feet front yard depth, 1.25 feet side yard width, 500 square feet net lot area, 5 feet front building line width and waiver of the parking area location requirement is requested.

**Evidence Presented**

1. The property was subdivided in 1941, contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, gravel driveway and unauthorized covered front porch. Exhibits (Exhs.) 2, 4, 7,8 and 9 (A) thru (F).

2. The subject lot is a rectangular shape, measuring 100 feet in length and 50 feet in width. Exhs. 2, 4, 7,8 and 9 (A) thru (F).

3. Petitioner proposes to validate existing conditions (front yard depth, side yard width, net lot area, front building line width and waiver of the parking area location) and obtain a building permit for the unauthorized construction of enclosed front porch. A front yard depth setback of 25 feet is required, but with the addition of the covered front porch, the current setback is at 16 feet requiring a variance of 9 feet. The side yard setback requirement is 7 feet, but because the dwelling is only 5.75 from the side yard line, a variance of 1.25 feet is now required. The net lot area requirement of 5,500 square feet is required for the subject property in R-55 zone. The provided net lot area is only 5,000, however, requiring a variance of 500

square feet. A front building line width of 55 feet is required, but only 50 feet is being provided, therefore, a variance of 5 feet is required. Finally, due to the driveway being located in front of the dwelling, a waiver of the parking area location is required. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (L).

4. Attorney Stephanie Smith stated that Petitioner purchased the property in 2017 from the prior owner who had erected the enclosed porch. She stated that there had been squatters and other inappropriate activities on the property. She stated that the Petitioner's goal is to rehab homes in the community to alleviate blight and create a more sustainable neighborhood.

5. She further stated that in 2018, the Department of Permitting, Inspections and Enforcement approved the building permit and construction began on interior work. However, in 2019, when the Petitioner and the contractor went to obtain an electrical permit, it was revealed that there were past violations on the property for the enclosure of the front porch. This triggered the need for the specific variance for the porch and the other associated variances related the preexisting construction (single-family dwelling and gravel driveway) to be granted in order to continue the current rehab of the subject property. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (L).

6. Counselor explained that 50-60% of the proposed construction had been completed. She contended that the variances are minimal and the setbacks issues in question are similar to those on other properties on the street. She added that this home was built in 1944, prior to the current zoning laws. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (L).

#### Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

#### Findings of the Board

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

Due to the initial construction of the dwelling in 1944, the need for rehabilitation of the dwelling which began in 2018, with a permit, the belated discovery of the need for a variance for the existing enclosed porch, the desire to enhance the neighborhood and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Bobbie Mack absent, that variances of 9 feet front yard depth, 1.25 feet side yard width, 500 square feet net lot area, 5 feet front building line width and waiver of the parking area location requirement in order to validate existing conditions (front yard depth, side yard width, net lot area, front building line width and waiver of the parking area location) on the property located at 1304 Oates Street, Capitol Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (d).

BOARD OF ZONING APPEALS

By:

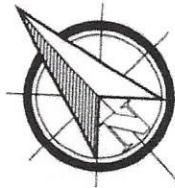
*Bobbie S. Mack / bgs*  
Bobbie S. Mack, Chairperson

**NOTICE**

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

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

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.



P.B. 8 @ 82

## OATES STREET

S47°18'E

50'



EXH. # 2  
V-4-22

THE LEVEL OF ACCURACY OF  
DISTANCES TO APPARENT  
PROPERTY LINES IS  
2'±

LOCATION DRAWING OF:

#1304 OATES STREET  
LOT 9 BLOCK C  
SECTION 1  
CHAPEL OAKS

### LEGEND:

B/E	FENCE
B/W	BASEMENT ENTRANCE
BR	BAY WINDOW
BRL	BRICK
BSMT	BSLD RESTRICTION LINE
C/S	BASEMENT
CONC	CONCRETE
D/W	CONCRETE STOOP
Ex	EXISTING
FR	DRIVEWAY

A Land Surveying Company

DULEY  
and  
Associates, Inc.

