



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

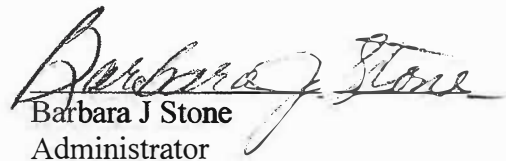
OF BOARD OF APPEALS

RE: Case No. V-7-22 Jack and Linda Bannister

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 8, 2022

CERTIFICATE OF SERVICE

This is to certify that on August 11, 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

EXH. # 23
V-7-22

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

Petitioners: Jack and Linda Bannister

Appeal No.: V-7-22

Subject Property: Lots 48 and 49, Block 1, Spaulding Heights, being 1517 Pacific Avenue, Capitol Heights,
Prince George's County, Maryland

Witness: April Hinnant, Neighbor

Heard: March 23, 2022; Decided: June 8, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Anastasia T. Johnson, Member

Board Member Absent: Albert C. Scott, Vice Chairman

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting variances from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioners request that the Board approve a variance from 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 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 7 feet in width. 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. Petitioners propose to obtain a building permit for the construction of a new single-family dwelling with 2 stories, basement, garage, and driveway. Variances of 1,500 square feet net lot area, 15 feet front building line width, 1-foot each side yard width and 1.8% net lot coverage were requested.

Evidence Presented

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

1. The property was subdivided in 1930, contains 4,000 square feet, is zoned R-55(One-Family Detached Residential), and is currently vacant land. Exhibits (Exhs). 2, 4, 8, 9 and 10 (A) thru (F).
2. Petitioners propose to obtain a building permit for the construction of a new two-story single-family dwelling with, basement, garage, and driveway. The subject property is long (100 feet) and narrow (49 feet). Exhs. 2, 4, 8, 9 and 10 (A) thru (F).
3. Variances of 1,500 square feet net lot area, 15 feet front building line width, 1-foot each side yard width and 1.8% net lot coverage. Due to the property being subdivided in 1930 which does not meet current zoning standards of 5,500 square feet net lot area, the subject property will require a variance of 1,500 square feet net lot area. In addition, the front building line set back also does not meet current zoning standard of 55 feet, therefore, a variance of 15 feet front building line width is required. Both side yard setbacks for the house on the site plan is 6 feet for each side yard. Currently, zoning standards require 7 feet for each side yard. A variance of 1 foot for each side yard is sought. A variance of 1.8% net lot coverage is required as the maximum allowable lot coverage is 30% and the proposed construction will encompass net lot coverage of 31.8%. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).
4. Petitioner Jack Bannister stated that the subject lot is a 4,000 square foot lot and does not meet the net lot requirement of the Zoning Ordinance. He testified that there are similar lots on this street that are also only 4,000 square feet. The proposed house design fits within the existing setbacks and opines that the new

construction will not change the character or the integrity of the neighborhood. He believes that it should improve the neighborhood with a brand-new house for a family that needs a nice house to live in.

5. The house is a two-story house above grade with a basement underground. The top dormer is built into the roof and is attic space. The height is within regulation height at 23.98 feet from grade to mid peak of the roof¹. It does sit next to one-story houses. He stated that in order to meet the code regarding driveway location; it must be a two-story house with a garage. He stated that a garage would not fit beside the house on the lot. Exhs. 5 (A) thru (H), 18 and 21.

6. Ms. Hinnant, who resides at 1519 Pacific Avenue, testified that her only concern was the width of the new house in meeting the 7-foot setback from her property. She feels that the house is too large for the lot. Exh. 20.

7. Mr. Bannister explained that Ms. Hinnant's driveway is 10 feet away from her house. He further stated that the side yard setback for the new house will be 6 feet from the property line and will be at least 18 feet from her house (plus her setback). Mr. Bannister offered to visit the subject property and determine the exact distance between the two houses. Exhs. 5 (A) thru (H), 18 and 21.

Applicable Code Section and Authority

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

Findings of the Board

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

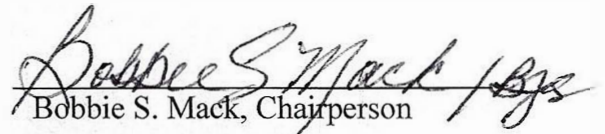
Due to property being subdivided in 1930, not being able to meet the current net lot area requirement for buildable lots, the narrowness of the lot and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, that variances of 1,500 square feet net lot area, 15 feet front building line width, 1-foot each side yard width and 1.8% net lot coverage in order to obtain a building permit for the construction of a new single-family dwelling with 2 stories, basement, garage, and driveway on the property located at 1517 Pacific Avenue, Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18 and approved revised elevation plan, Exhibit 21, (A) thru (D).

¹ Revised site and elevation plans were submitted by Mr. Jack Bannister demonstrating the exact height of the new home. Exhs. 18 and 21.

BOARD OF ZONING APPEALS

By:


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.

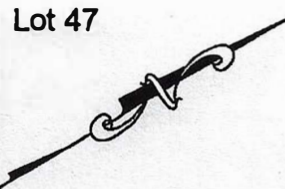
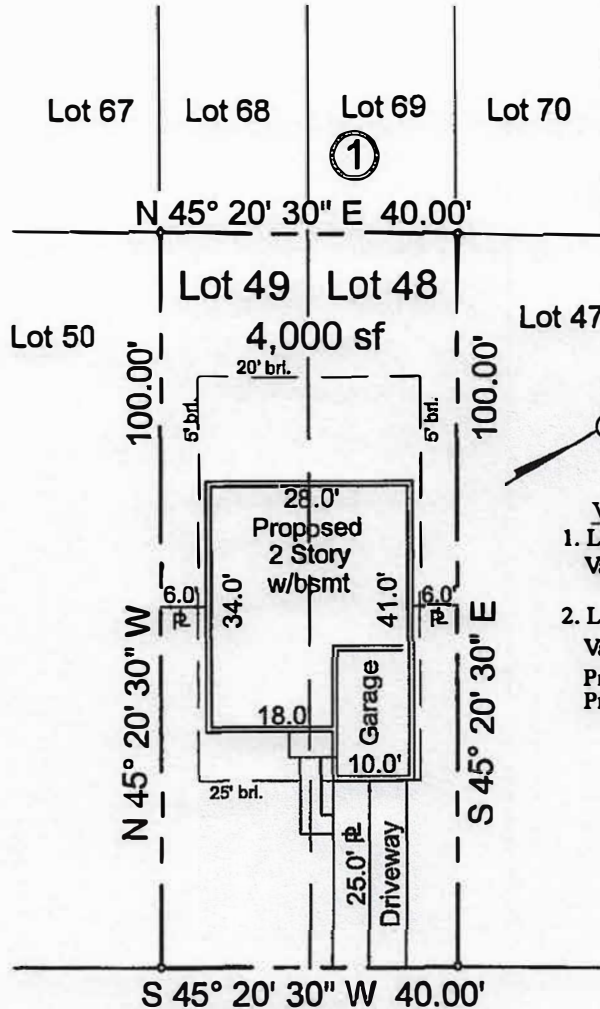
NOTES:

1. This plat is not intended for use in the establishment of property lines, but prepared for the exclusive use of the present property owners of record and/or those who purchase mortgage or guarantee the title within six months from the date hereof and no more than 1 year from this house location plat.
2. For title purposes only.
3. No title reports furnished at this time, subject to all easements and rights of ways of record.
4. Property corners have not been set with this survey. Property information was taken from the best available records.
5. This location plat is not to be used for the construction of fences or other improvements. A boundary line survey and lot stakeout would have to be performed to determine the location of all property lines as shown.
6. The boundary shown hereon is located within Zone _____ as shown on R.E.M.A. Flood Insurance Rate Map Community Profile No. _____ of _____ County, Maryland.
7. This plat is valid until 6 months after date of signature.

Height of the attic
is 10.5 feet

Height from grade to
the mid point of the
roof is 23.98 feet.

Height from grade to
the peak of the roof
is 29.13 feet



VARIANCES REQUIRED

1. Lot Net Area Section: 27-442 (b) table I
Variance requested = 1000 sf.
2. Lot Coverage: Section 27-442 (c) table II
Variance requested = 0.10 %
Proposed lot coverage House = 1,022 sf.
Proposed lot coverage Dwy. = 250 sf.
Total = 1,272 sf.
1,272 sf. / 4,000 sf = 31.80%



PACIFIC (30' R/W) AVENUE
(Spaulding Avenue)

Note: Record Plat was recorded in Plat Book JWB 5 at Plat 697
and was re-recorded in Plat Book A at Plat 81.

SURVEYOR'S CERTIFICATE

I hereby certify that the position of all the existing improvements on the above described property has been carefully surveyed by me or directly under my supervision and that they are located as shown. THIS IS NOT A BOUNDARY SURVEY.

10-19-2021

Date

Gregory E. Benefield
Registered Professional
Land Surveyor, M.D. No. 10994
License Expiration 08-06-2022

EXH. # 18
V-7-22

DRAWN BY TB
CHECKED BY GB
DATE 10/14/2021
SCALE: 1"= 20'
JOB NO. 21-45
CASE NO.

HOUSE LOCATION PLAT

1517 Pacific Avenue

Lot(s)/Parcel 48 & 49, TM./Block 1
Plat Section Phase

SPAULDING HEIGHTS

(6th) Spauldings Election District
Prince George's County, Maryland

Plat Book A Plat No. 81
Liber 19001 Folio 548
S- 5753

SURVEYS, INC.

SURVEYORS • ENGINEERS • LAND PLANNERS
PERMIT SERVICES
260 MAIN STREET LAUREL, MARYLAND, 20701
PHONE 301-714-0041 E-MAIL SURVEYS@SURVEYS-INC.COM

BOARD OF APPEALS

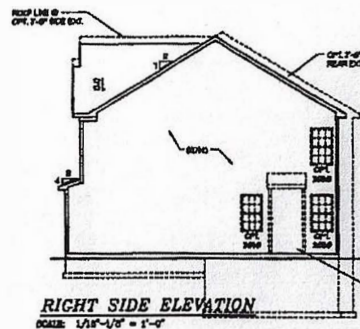
APPROVED JUN 8 2022

Gregory E. Benefield
ADMINISTRATOR

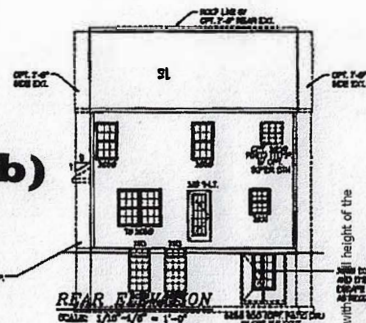
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ADMINISTRATOR

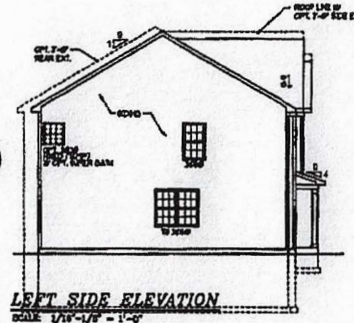
(a)



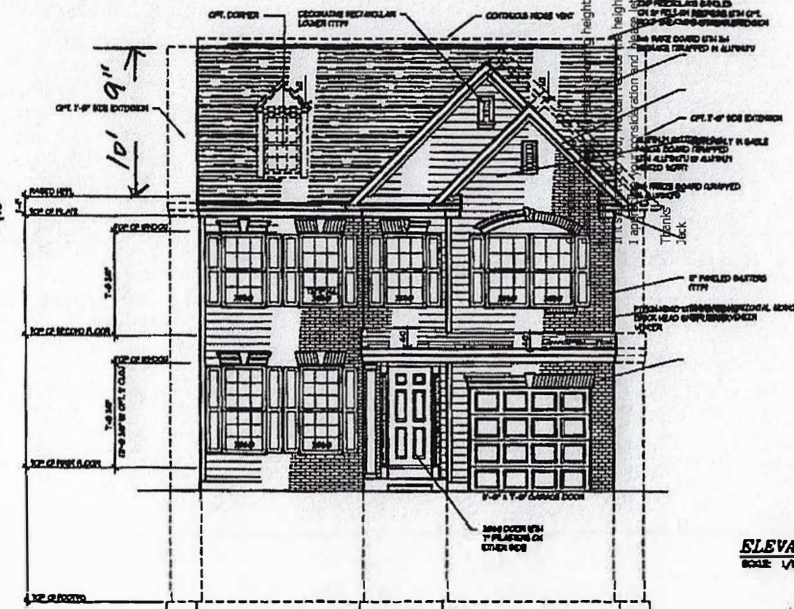
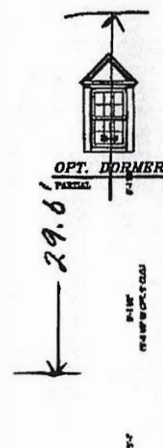
(b)



(c)



(d)



ELEVATION #3
SCALE: 1/8"=1/4" = 1'-0"

EXH. # 21(A-D)
V-7-22

NOTES:

- * SIDE AND REAR VIEW MIRRORS TO BE IDENTIFIED BY DRIVER AND CHECKED BY ADJ. PRIOR TO STOP. CHECK PROPERLY ADJUSTED. (CHECK IN VEHICLE THAN IN PRACT.)
- * STOPPED IF TALL, CHANGING TO A TALL AND MOVE UP 1-2" WITH OPT. CELLO IF APPLICABLE/ BLIND HORN ON DRIVE.
- * STOPPED IF TALL OR LESS REARVIEW 1-2" STOP. HEAD HEIGHT WITH OPT. CELLO IF APPLICABLE/ BLIND HORN ON DRIVE.

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BROTHERS CONSTRUCTION
"BENNETT"

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