



# 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-37-22 Mai Abdul Rahman

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: October 5, 2022.

## **CERTIFICATE OF SERVICE**

This is to certify that on February 22, 2023, 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". Below the signature, the name "Barbara J. Stone" is printed in a standard black font, followed by the title "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: Mai Abdul Rahman

Appeal No.: V-37-22

Subject Property: Lot 38, Map 50, Grid C2, Burgess Subdivision of Rogers & Phillips Addition to Hyattsville, being 4605 Burlington Road, Hyattsville, Prince George's County, Maryland

Municipality: Hyattsville

Witnesses: Mohammad Abdul-Ali, Petitioner's Son

Monty Rahman, Petitioner's Husband

Kenneth Harrison, Inspector, Department of Permits, Inspections and Examinations ("DPIE")

Heard: June 22, 2022; Reheard and Decided: October 5, 2022

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

Albert C. Scott, Vice Chair

Anastasia T. Johnson, 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 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 variances from Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 5000 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 and 45 feet measured along the front street line. Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 8 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. Petitioner proposes to validate existing conditions (net lot area, front building line width, front yard depth and side yard width) and obtain a building permit to construct a two-story addition and replace the second story. Variances of 200 square feet net lot area, 25 feet front building line width, 5 feet front street line width, 13 feet front yard depth, 4 feet side yard width and 4.5% net lot coverage are required.

**Evidence Presented**

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

1. The property was subdivided in 1907, contains 4,800 square feet, is zoned R-55 (One Family Detached Residential) and is improved with single family dwelling, driveway, front and rear porch. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).

2. The subject property is rectangle in shape being 120 feet long and 40 feet wide. Exhs. 2, 4, 9, 10 and 11 (A) thru (F).

3. Petitioner proposes to validate existing conditions (net lot area, front building line width, front yard depth and side yard width). Because the subject property was subdivided in 1907 and the dwelling built in 1911, the dimensions for net lot area, front building line width, front yard depth and side yard width do not meet current zoning requirements under the Zoning Ordinance and validation of those conditions are

required before new development may occur on the land. Variances of 200 square feet net lot area, 25 feet front building line width, 5 feet front street line width, 13 feet front yard depth, 4 feet side yard width are requested, respectively.

4. Petitioner would like to obtain a building permit to replace the second story and construct a two-story addition. Because of the two-story addition, a variance of 4.5% is required for the overage in net lot coverage. Exhs. 2, 4, 9, 10 and 11 (A) thru (F).

5. Mohammad Abdul-Ali explained that the subject property has been a project of his mother's (Petitioner) who is seeking to make the subject property her residence. He explained that the prior owner had an approved set of plans from the Board of Appeals (September 4, 2019) and had already started construction. He stated that a stop work order was issued and the prior owner subsequently decided to sell the property which Petitioner purchased. He stated that construction was allowed to be continued on March 23, 2020. Exhs. 2, 3 (a) through (t) and 5 (A) thru (D).

6. Mr. Abdul-Ali testified that the requested variances were previously approved by the Board for the prior owner in Appeal No. V-38-19. As a result, when Petitioner purchased the property an approved building permit and set of drawings were already in place. Exhs. 2, 3 (a) through (t) and 5 (A) thru (D) and 6.

7. Petitioner Mai Rahman testified that she called DPIE several times and was informed that as long as she held a valid permit, she could continue the work. She stated it became confusing as to what could and could not be done.

8. Mohammad Abdul-Ali believed that there is a (valid) permit with stamped approved plans. He stated the permit and variances were under the name of Haddis Neway and under that permit, they continued the work. He stated that once the County's emergency order was lifted, Inspector Harrison came out and placed a stop work order on the house. Exhs. 2, 3 (a) through (t) and 5 (A) thru (D) and 6.

9. Mai Rahman explained that the dwelling was originally built in the 1940s. About ten years ago, a fire destroyed the home, and the owner sold the property to purchasers who started construction on the house based on an approved permit (51566-2019). He stated that when he purchased the property from the prior owners, he continued the construction under the previously approved plans. Exhs. 6 and 8.

10. Mohammad Abdul-Ali stated that the building permit 51566-2019 would expire on January 8, 2023. Exh. 6.

11. Inspector Harrison testified that any new permit must be obtained under the name of the new property owner.<sup>1</sup> Inspector Harrison also stated that, therefore, if Petitioner was working off the original plans, those building plans must be revised. Exhs. 6 and 8.

12. Inspector Harrison stated also that new plans for the proposed development had to be submitted because the building footprint had changed and deviated from the original plans. Exhs. 2, 7 and 20.

13. The City of Hyattsville provided a letter, dated September 22, 2022, informing the Board of Appeals of its approval of the requested variances for Petitioner under V-37-22. Exh. 24.

#### 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.

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<sup>1</sup> The new permit number is 34757-2021. Exhs. 6 and 8.

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 Board previously granted approval for numerous variances (200 square feet net lot area, 25 feet front building line width and 5 feet front street line width, 13 feet front yard depth, 4 feet side yard width and 4.3% net lot coverage) for the subject property under Appeal No. V-38-19, the prior owners began construction under an obtained an approved building permit which expired, the need to obtain a new permit to complete the construction because of change in ownership and the building footprint (the addition) had also changed, 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, unanimously, that variances of 200 square feet net lot area, 25 feet front building line width. 5 feet front street line width, 13 feet front yard depth, 4 feet side yard width and 4.5% net lot coverage in order to validate existing conditions (net lot area, front building line width, front yard depth and side yard width) and obtain a building permit to construct a two-story addition and replace the second story on the property located at 4605 Burlington Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 20 and approved elevation plans, Exhibits 3 (a) thru (t).

## 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.

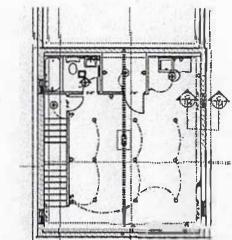
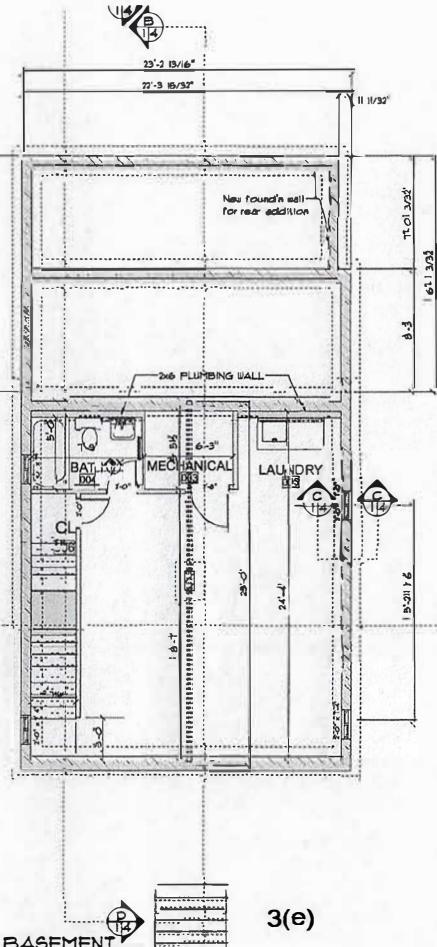


### GENERAL NOTES

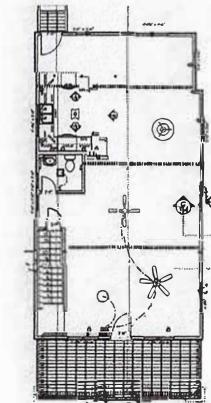
Extreme care shall be taken in removal of existing walls, roof or floor framing. Remaining items shall be adequately braced and stabilized from topple. All care shall be taken to protect potential damage to adjacent property/structures.

The GC shall examine all of the existing exterior walls & its sheathing to determine the extent of demolition. All walls that are not plumb or adequately braced shall be rectified or removed and replaced w/ new.

The exterior walls on the 2nd level as well as the existing roof & shall be totally removed and prepped for re-finishing. Refer to Struct. Plans.



BASEMENT - ELECTRICAL  
SCALE: 1/8" = 1'-0"



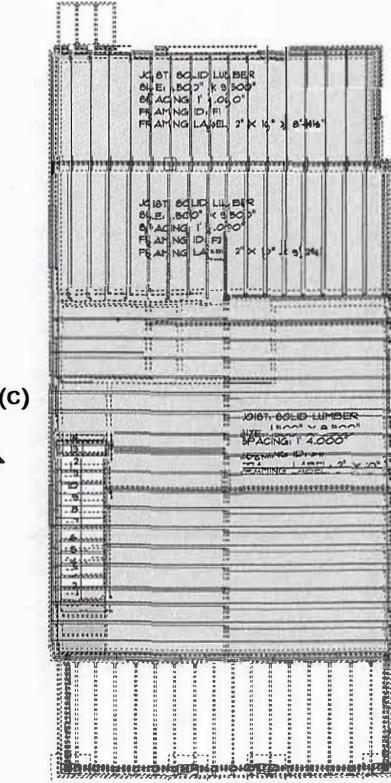
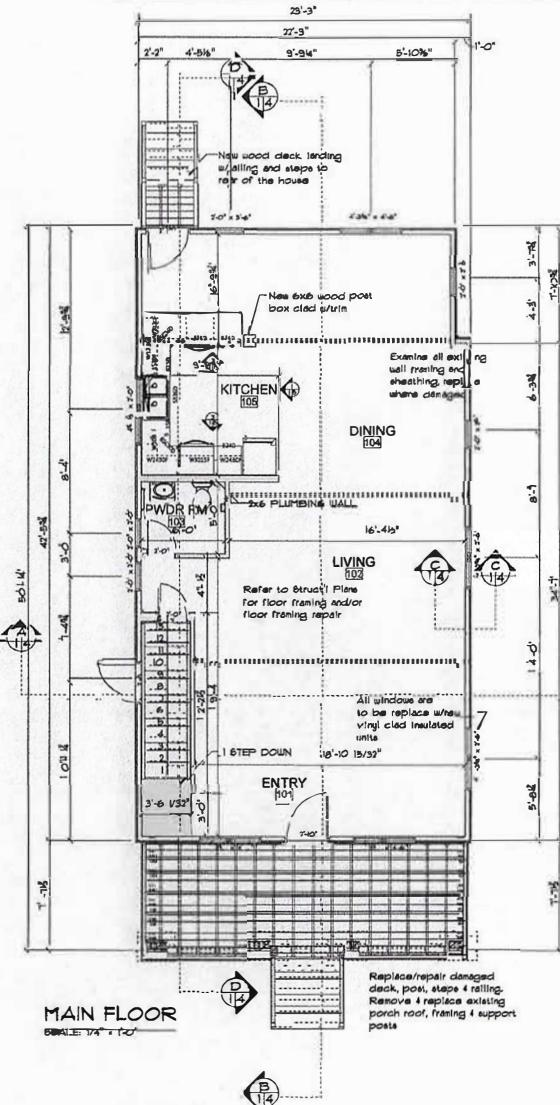
MAIN FLOOR  
SCALE: 1/8" = 1'-0"

### BOARD OF APPEALS

APPROVED OCT 05 2022

*John Doe*  
ADMINISTRATOR

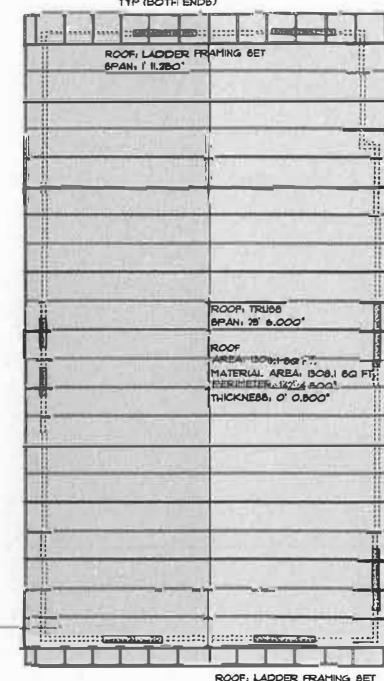
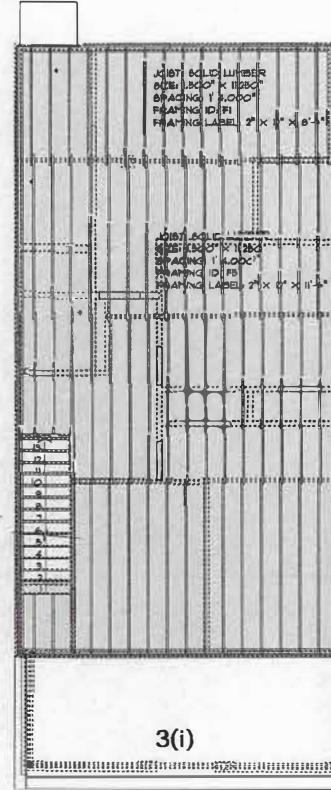
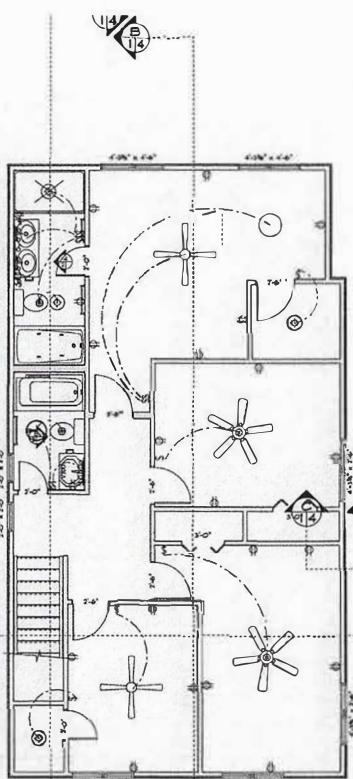
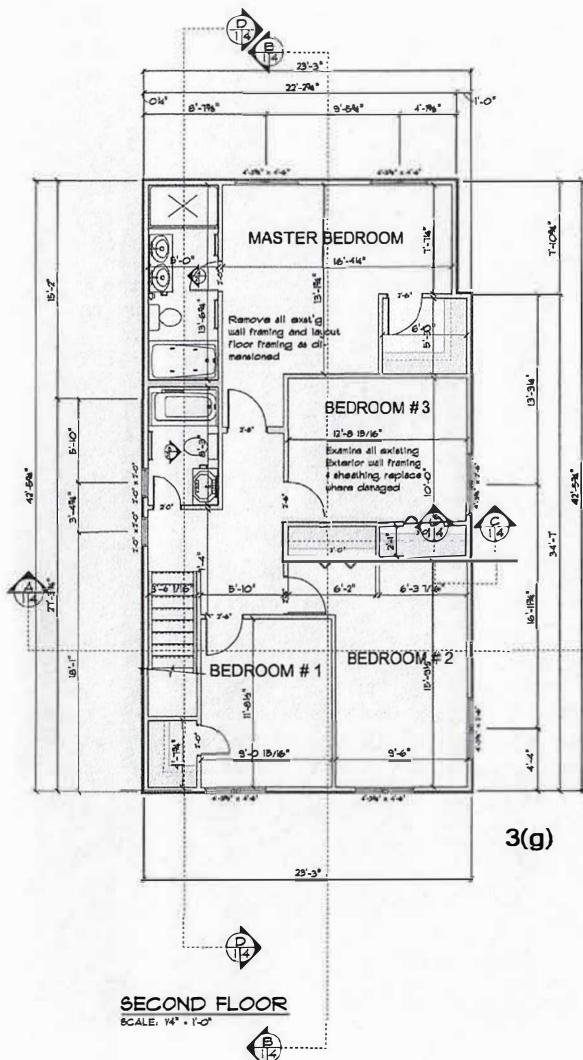
Exh. # 3(e-1)  
V-37-22



MAIN FLOOR - FLOOR SYSTEM  
SCALE: 1/8" = 1'-0"

areit	SECTION LETTER A	DRAWN BY John Doe	PROJ. NO. 5527
AT&T Architects, LLC	REV. 1	NUMBER 5527	DATE: Wednesday, October 5, 2022
5527 Allerton Way Towson MD 20748	SCALE: As Noted	PHONE: 240-545-0118	PHONE: 240-418-0000
		MOBILE: 301-443-3183	FAX: 240-418-0000
		info@atandtarchitects.com	MOBILE: 240-418-0000

Neway Haddis  
803 Boundary Road  
Arlington  
VA 22311  
william@newayconstruction.com



## BOARD OF APPEALS

APPROVED OCT 05 2022

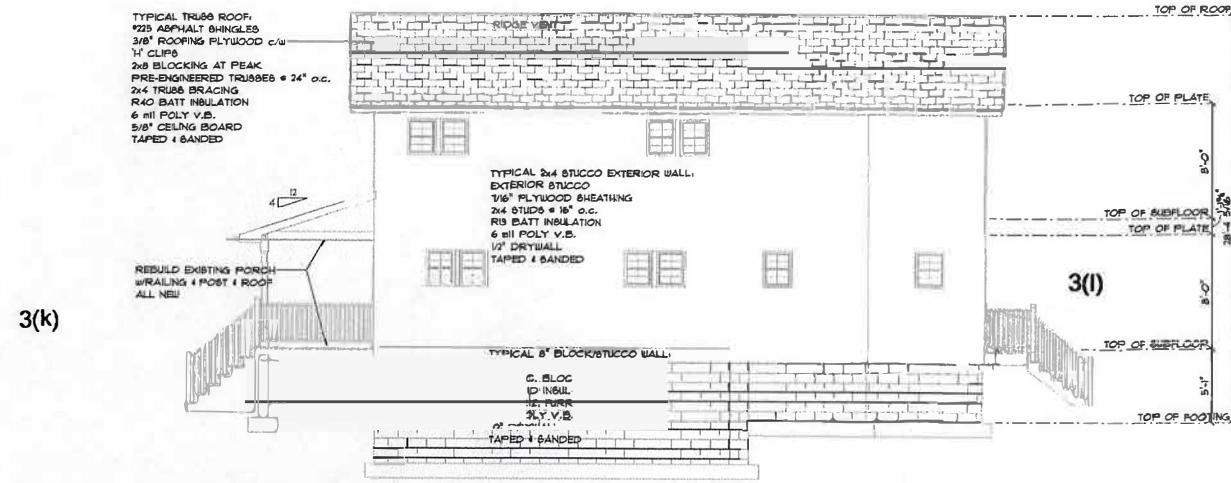
ADMINISTRATOR

 <b>aret</b> <b>Aret Architects, Inc.</b> 5827 Allerton Way Towson Hill MD 20748 PHONE: 301-449-1919 FAX: 301-449-3103 MOBILE: 301-449-3103 rford@aretarchs.com		<b>SECTION LETTER</b> <b>A</b> <b>PAGE NUMBER</b> <b>1</b> <b>DRAWN BY:</b> <b>DATE: Wednesday, October 7, 2022</b> <b>PAGE: 2/5</b>
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<b>Neway Haddis</b> PHONE: 240-418-0500 FAX: 301-449-0090 MOBILE: 240-418-0500 w.haddis@newayconstruction.com
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**SOUTH ELEVATION**

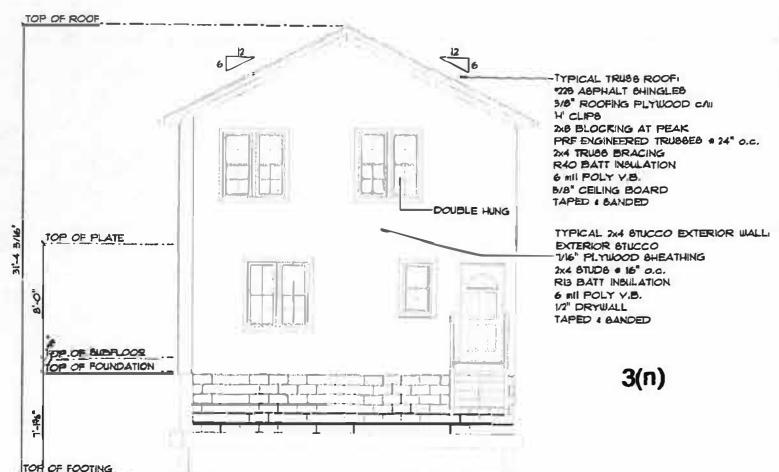


3(k)

3(k)



WEST ELEVATION  
SCALE,  $1/4'' = 1'-0''$



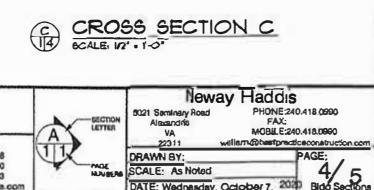
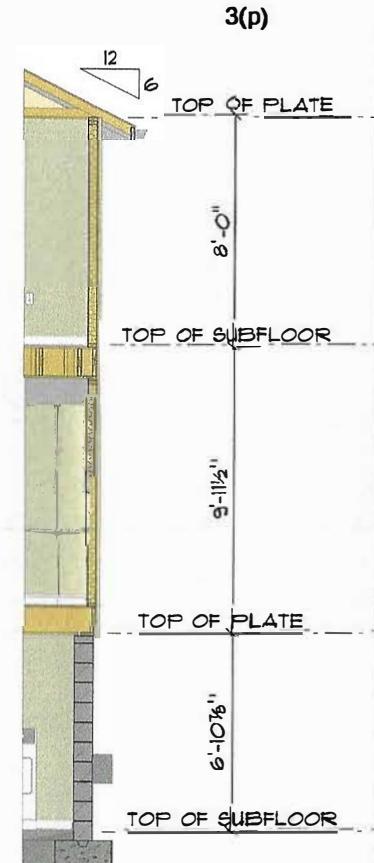
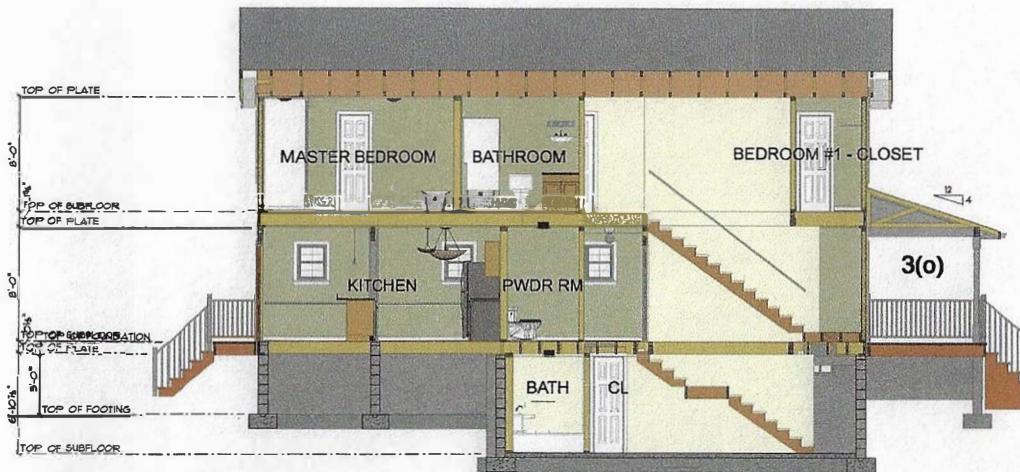
**NORTH ELEVATION**

# BOARD OF APPEALS

APPROVED OCT 05 2022

  
B. Stone  
ADMINISTRATOR

 <b>aret</b> <b>Architects Inc.</b>		 <b>FUNCTION LETTER A</b>	<b>Neway Haddis</b> <b>6021 Sammamish Road</b> <b>Redmond</b> <b>WA</b> <b>98053</b> <b>PHONE: 420.418.2090</b> <b>FAX:</b> <b>MOBILE: 204.418.2090</b> <b>willen@rogers.com</b> <b>www.aretarchitects.com</b>
 <b>PAGE NUMBER 1</b>	<b>DRAWN BY:</b> <b>SCALE: 1/4" = 1'-0"</b> <b>DATE: Wednesday, October 7, 2003</b> <b>PAGE: 3 / 5</b> <b>Elevations</b>		
 <b>MOBILE 301-440-3183</b> <b>richton@aret.com</b>			



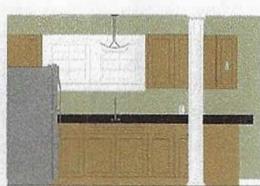
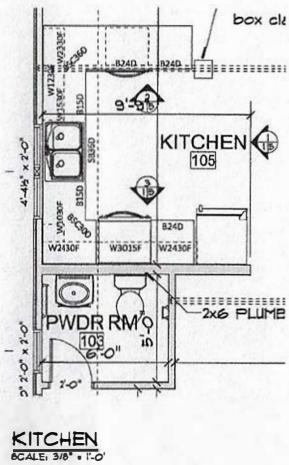
## BOARD OF APPEALS

APPROVED OCT 05 2022

*B. Haddis*  
Administrator

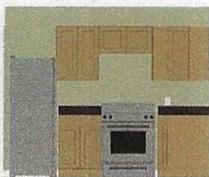
 <b>Arel</b> <b>Arel Architects, Inc.</b>		<b>Neway Haddis</b> 8221 Seminary Road Alexandria VA 22311 PHONE: 240.418.0900 FAX: 240.418.0900 MOBILE: 201.445.3180 <a href="mailto:nh@arelarchitects.com">nh@arelarchitects.com</a>	SECTION LETTER <b>A</b> PAGE NUMBER <b>1</b>	DRAWN BY: <b>Neway Haddis</b> SCALE: As Noted DATE: Wednesday, October 7, 2020 Bid Section
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3(s)



3(r)

CABINET SCHEDULE					
NAME	WIDTH	DEPTH	HEIGHT	COUNT	
B1BD	18.000"	24.000"	34.500"	2	
B24D	24.000"	24.000"	34.500"	3	
B6C5D	30.000"	24.000"	34.500"	1	
B6C5D	36.000"	24.000"	34.500"	1	
B836D	36.000"	24.000"	34.500"	1	
W030F	9.750"	12.000"	30.000"	1	
W1230F	12.000"	12.000"	30.000"	1	
W130F	18.000"	12.000"	30.000"	1	
W1F1130	0.058"	12.000"	30.000"	2	
W1F1130	0.0539"	12.000"	30.000"	1	
W2330F	22.750"	12.000"	30.000"	1	
W2430F	24.000"	12.000"	30.000"	2	
W2F1130	1.750"	12.000"	30.000"	1	
W301F	30.000"	12.000"	30.000"	1	
W3F1130	2.500"	12.000"	30.000"	1	
W4F1130	6.000"	12.000"	30.000"	1	

KITCHEN NORTH  
SCALE: 3/8" = 1'-0"

3(s)

KITCHEN SOUTH  
SCALE: 3/8" = 1'-0"SCHEDULE  
SCALE: 3/8" = 1'-0"

## BOARD OF APPEALS

APPROVED OCT 05 2022

ADMINISTRATOR

OPENING SCHEDULE					
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1'-0"	L	2	DOOR	2'-0"	6'-8"
1'-0"	R	1	DOOR	2'-0"	6'-8"
2'-6"	R	4	DOOR	2'-6"	6'-8"
2'-6"	L	1	DOOR	2'-6"	6'-8"
2'-0" x 2'-0"	U	2	WINDOW	2'-0"	2'-0"
4'-35" x 2'-6"	NA	2	COMBINED UNIT	4'-35"	2'-6"
4'-35" x 4'-6"	NA	4	COMBINED UNIT	4'-35"	4'-6"

SECOND FLOOR OP'G SCHEDULE  
SCALE: 3/8" = 1'-0"

OPENING SCHEDULE					
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2'-10"	R	1	DOOR	2'-10"	6'-8"
2'-0"	L	2	DOOR	2'-0"	6'-8"
2'-0" x 2'-0"	U	2	WINDOW	2'-0"	2'-0"
4'-15" x 2'-0"	NA	1	COMBINED UNIT	4'-15"	2'-0"
2'-0" x 2'-6"	U	2	WINDOW	2'-0"	2'-6"
4'-35" x 2'-6"	NA	2	COMBINED UNIT	4'-35"	2'-6"
2'-0" x 3'-6"	U	1	WINDOW	2'-0"	3'-6"
4'-35" x 4'-6"	NA	3	COMBINED UNIT	4'-35"	4'-6"

MAIN FLOOR OP'G SCHEDULE  
SCALE: 3/8" = 1'-0"

OPENING SCHEDULE					
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2'-0"	L	1	DOOR	2'-0"	6'-8"
2'-8"	L	1	DOOR	2'-8"	6'-8"
2'-0" x 1'-0"	NR	1	SLIDING WINDOW	2'-0"	1'-0"
2'-0" x 1'-4"	NR	3	SLIDING WINDOW	2'-0"	1'-4"

BASEMENT OP'G SCHEDULE  
SCALE: 3/8" = 1'-0"

<i>arel</i>	<b>Neway Hardis</b>
Arel Architects, Inc.	5021 Seminary Road Alexandria VA 22311 PHONE: 204-549-0116 FAX: 703-299-7900 MOBILE: 301-440-5193 E-mail: <a href="mailto:william@arelarchitects.com">william@arelarchitects.com</a>
SECTION LETTER	SECTION LETTER
<b>A</b>	<b>A</b>
Page Numbers	Page Numbers
1	1
DRAWN BY:	DATE: Wednesday, October 05, 2022
SCALE: 3/8" = 1'-0"	PAGE: 5/5
Interior Elevations	