



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-44-22 Andira and Fredis Robles

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 22, 2022

CERTIFICATE OF SERVICE

This is to certify that on September 2, 2022, 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".

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

Petitioners: Andira and Fredis Robles

Appeal No.: V-44-22

Subject Property: Lot 3, Block K, Chapel Oaks Subdivision, being 5103 Duel Place, Capitol Heights, Prince George's County, Maryland.

Heard and Decided: June 22, 2022

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

Albert C. Scott, Vice Chairman

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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve variances from Section 27-4202(e) 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, not more than 35% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to obtain a building permit for a front porch and validate the wood deck with steps the side yard. Variances of 7 feet front yard depth, 8 feet side yard width and .5% of the net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1944, contains 5,200 square feet, is zoned RSF-65 Zoned (Residential, Single-Family - 65) and is improved with a single-family dwelling, driveway, patio, brick patio and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioners propose to obtain a building permit for a front porch and validate the wood deck with steps the side yard. The proposed front porch will have a front yard setback of 18-feet. Because the minimum setback requirement is 25 feet, a variance of 7 feet is required. As the existing deck and stairs have been built up to the left side property line, a variance of 8 feet side yard width is requested. The maximum allowable net lot coverage for the subject property is 35% and the proposed covered front porch will cause the net lot coverage to be slightly above at 35.5%, a variance of .5% is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. The proposed front porch will be 24.5' x 7.6'. Exh. 2.

4. Petitioner Andira Robles testified that there is no shade coverage in either the rear or front of the house. She stated that the sun hits the back of the house at least 95% of the day and there is no shading in the front of the house either.

5. She stated that she wanted to create an area for her small children that provides cover from the sun during the daytime instead of having to wait for the sun to go down in the rear yard.

6. She stated that currently there is an extremely small concrete area next to the front stoop that will be removed (prior the new construction). Exhs. 2, 3 and 5 (A) thru (D).

7. She noted that other homes in the neighborhood, including her next-door neighbor's, have front covered porches. Exhs. 5 (A) thru (D).

8. The subject property is not located within the town limits of Capital Heights. Exh. 7.

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

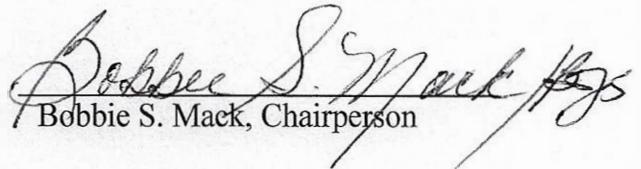
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the existing configuration of the house on the property that allows uninterrupted sunlight in the back yard most of the day, the desire to provide a covered outside area shielding from the sun, the existence of covered porches already on properties in 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, unanimously, that variances of 7 feet front yard depth, 8 feet side yard width and .5% of the net lot coverage in order to obtain a building permit for a front covered porch and validate the wood deck with steps on the left side yard on the property located at 5103 Duel Place, 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 site plan, Exh. 2 and approved elevation plan, Exh. 3.

BOARD OF ZONING APPEALS

By:



Bobbie S. Mack
Bobbie S. Mack, Chairperson

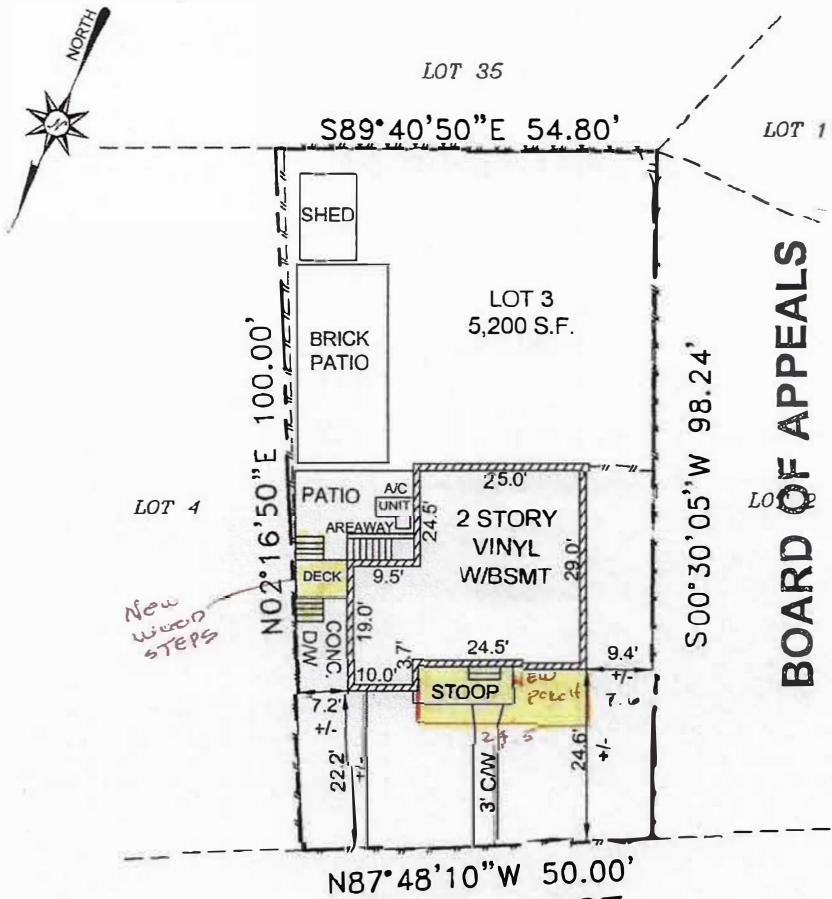
NOTICE

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.

ADDRESS: 5103 DUEL PLACE
CAPITOL HEIGHTS, MD 20743



BOARD OF APPEALS

APPROVED JUN 22 2022

B. Steele
ADMINISTRATOR

DUEL PLACE
(FORMERLY 57TH PLACE)
(50' R.O.W.)

NOTES:

1. THIS IMPROVEMENT LOCATION DRAWING;
2. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
3. SUBJECT TO ALL EASEMENTS OF RECORD.
SDA, LLC ASSUMES NO RESPONSIBILITY FOR CHANGES MAY ACCUR TO THIS PLAT
AFTER THE DATE OF SIGNATURE BY THE LICENCED SURVEYOR.

DRAWN BY C.E.

SCALE 1" = 20'



SURVEYOR

EXH. # 2
V-44-22

LOCATION DRAWING
SECTION 3 BLOCK K LOT 3
SUBDIVISION: CHAPEL OAKS
SEAT PLEASANT DESTRCT
ELECTION DISTRICT 18
CE GEORGE'S COUNTY MARYLAND

PLAT# 9@98 PROPERTY ANDIRA & FREDIS ROBLES

SURVEYORS DEVELOPMENT & ASSOC

LAND SURVEYORS' ENGINEERS' PLANNERS'

3230 CHILLUM ROAD
MT. RAINIER MD. 20712 SUITE 101
WWW.SURVEYORSDALLC.COM
EMAIL: surveyorsdallc@gmail.com

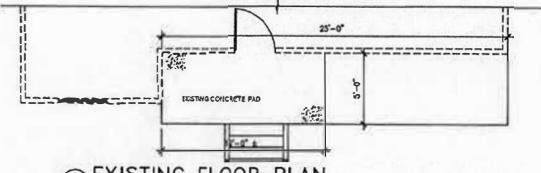
CONSTRUCTION PLANS

New Porch

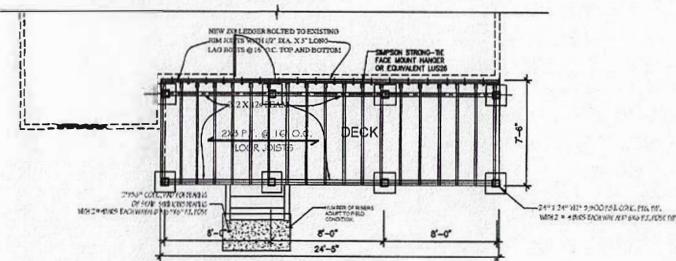
5103 Duei Pl - Capital Heights, MD 20743

E
ARCHITECTURAL
DRAWINGS

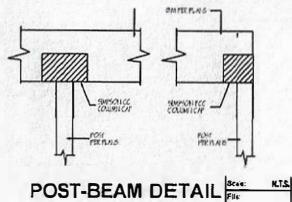
"House Plans For All Budgets All Sizes, All Sites,
16x20, 18x20, 20x20, 22x20, 24x20, 26x20, 28x20,
POTOMAC 24x24, 26x24, 28x24, 30x24, 32x24,
GILBERT E. 301 613 1139



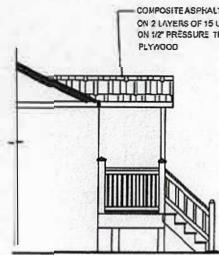
① EXISTING FLOOR PLAN
A-1



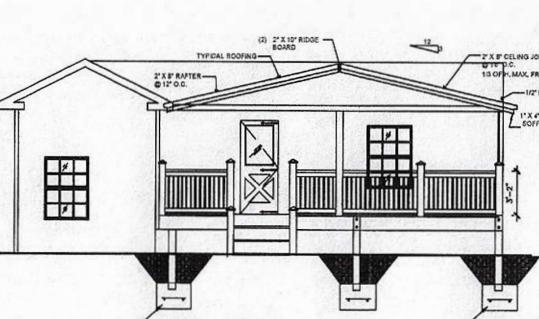
② DECK FRAMING PLAN
A-1



POST-BEAM DETAIL
A-1



④ LEFT SIDE ELEVATION
A-1



⑤ FRONT ELEVATION
A-1

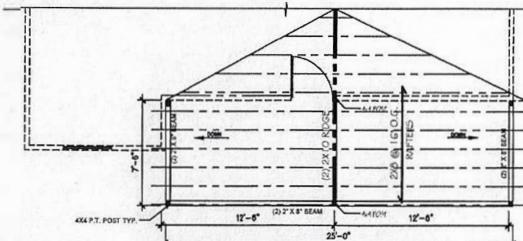
⑥ RIGHT ELEVATION
A-1

EXH. # 3
V-44-22

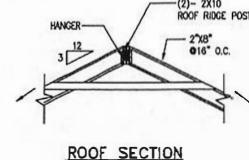
MEMBER SIZE	O.C. SPACING	FLOOR JOISTS	MAXIMUM ALLOWABLE SPANS -DFL #2	
			CEILING JOISTS	RAFTERS
2 X 4	16" O.C.	16" O.C.	12'-0"	12'-0"
2 X 6	16" O.C.	16" O.C.	16'-0"	16'-0"
2 X 8	16" O.C.	16" O.C.	19'-0"	19'-0"
2 X 10	16" O.C.	16" O.C.	22'-0"	22'-0"
2 X 12	16" O.C.	16" O.C.	24'-0"	24'-0"

RESIDENTIAL CODE NOTES

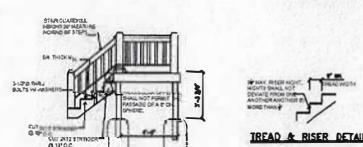
1. ALL CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE INTERNATIONAL RESIDENTIAL CODE (IRC) 2018 EDITION, AS AMENDED BY PRINCE GEORGES COUNTY ALL CHAPTER, TABLES, SECTIONS, FIGURES AND APPENDICES REFERENCED HEREIN WITHIN ARE FROM IRC. THIS DOCUMENT CONTAINS ITEMS ITEMIZED WRITTEN ON APPROVED PLANS AND IS PROVIDED FOR CONVENIENCE ONLY. IT IS NOT INTENDED AS A SUBSTITUTE FOR THE CODE OR ITS PROVISIONS.



③ ROOF FRAMING PLAN
A-1



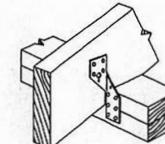
ROOF SECTION



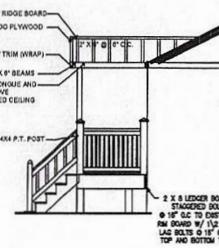
TIMBER POST/ BEAM



TREAD & RISER DETAIL



Simpson Strong-Tie
H2.5



BOARD OF APPEALS

APPROVED

JUN 22 2022


B. Stone
ADMINISTRATOR

1/4" = 1'-0"
GILBERT E.
REC'D. 11-01-21
A-1