



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-51-22 Gregory and Valerie Pines

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: August 31, 2022

CERTIFICATE OF SERVICE

This is to certify that on October 19, 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". Below the signature, the name "Barbara J. Stone" is printed in a smaller, sans-serif 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

Petitioners: Gregory and Valerie Pines

Appeal No.: V-51-22

Subject Property: Lots 4-6, Block 44, Bradbury Heights Subdivision, being 4214 Urm Street, Capitol Heights, Prince George's County, Maryland

Heard and Decided: August 31, 2022

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

Board Member Absent: Vice Chairman, Vacant

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 a variance from Section 27-4202(e) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 6500 square feet, that not more than 35% of the net lot area shall be covered by buildings and off-street parking, a minimum width of 65 feet measured along the front building line and a side yard at least 8 feet in width. Petitioners propose to construct a 20' x 24' driveway extension and convert an existing shed into a garage. Variances of 500 square feet net lot area, 9% lot coverage, 5-foot lot width and 1 foot side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1908, contains 6,000 square feet, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling, driveway, deck, existing addition. Exhibits (Exhs.) 2, 4, 7, 8, 9, and 10 (A) thru (F).
2. Petitioners propose to construct a 20' x 24' driveway extension and convert a proposed shed into a one car garage. Exhs. 2 and 3.
3. Variances of 500 square feet net lot area, 9% lot coverage, 2-foot lot width and 1 foot side yard width are requested. The subdivision was created in 1908 and does not meet the current zoning requirement of 6,500 square feet for a lot. A variance of 500 square feet is therefore required. Because the existing and proposed construction on the property will encompass 44% net lot coverage, and the current maximum allowable net lot coverage being 35%, a variance of 9% net lot coverage is necessary. Again, because the creation of the subdivision occurred in 1908, the existing lot width of 60 feet does not meet the current 65 feet zoning standard. Because the dwelling was positioned on the lot in 1936, prior to zoning, variances of 5-foot front width and 1-foot left side yard setback are also necessary. Exhs. 2, 3, 5 (A) thru (D), and 11 (A) thru (F).
4. Gregory Pines testified that in V-149-19, the Board previously approved the shed construction. Now, they wish to convert the shed into a garage and changed the shed access door to a garage door. Exhs. 2, 3 and 6.

5. Valarie Pines testified that the property was purchased in 1988. She explained that because of the pandemic, only the foundation for the shed was installed before work had to stop. She stated in the prior Board decision (Appeal No. V-149-19), a permit (39610-2019-01-RG) was issued for the shed, but the associated variance(s) expired. They subsequently applied for a driveway permit (8919-2022-00) which is pending the approval of the current requested variances. Exhs. 6 and 7.

6. She noted that the footprint and the dimensions of the garage will be the same as the shed, which is 16' x 24'. Exhs. 2, 3 and 7.

7. Because of the conversion of the shed to a garage, the driveway must be connected to the garage. She stated that this is the reason for the request for the driveway extension.

8. She testified that she has spoken with neighbors who are supporting the proposed work.

9. She believed that having a paved driveway instead of a dirt path will enhance the aesthetics of the property. The enlarged driveway will allow them to have an area to park their car.

10. She further believe that the driveway extension and garage will not be out of character with the neighborhood as there are many garages on properties on their street. Exhs. 2, 3 and 11 (A) thru (F).

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

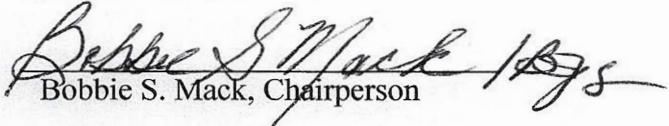
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-4200, more specifically:

Due to the need to meet County Code, a driveway must be installed to connect to a proposed detached garage, the need to validate existing structures from 1930 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, Vice Chair seat vacant, that variances of 500 square feet net lot area, 9% lot coverage, 5-foot lot width and 1-foot side yard width to validate existing conditions (net lot area, lot width, side yard depth) and obtain a building permit for the construction of a proposed driveway extension and conversion of an existing shed to a garage on the property located at 4214 Urn 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 plan, Exhibit 3.

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.

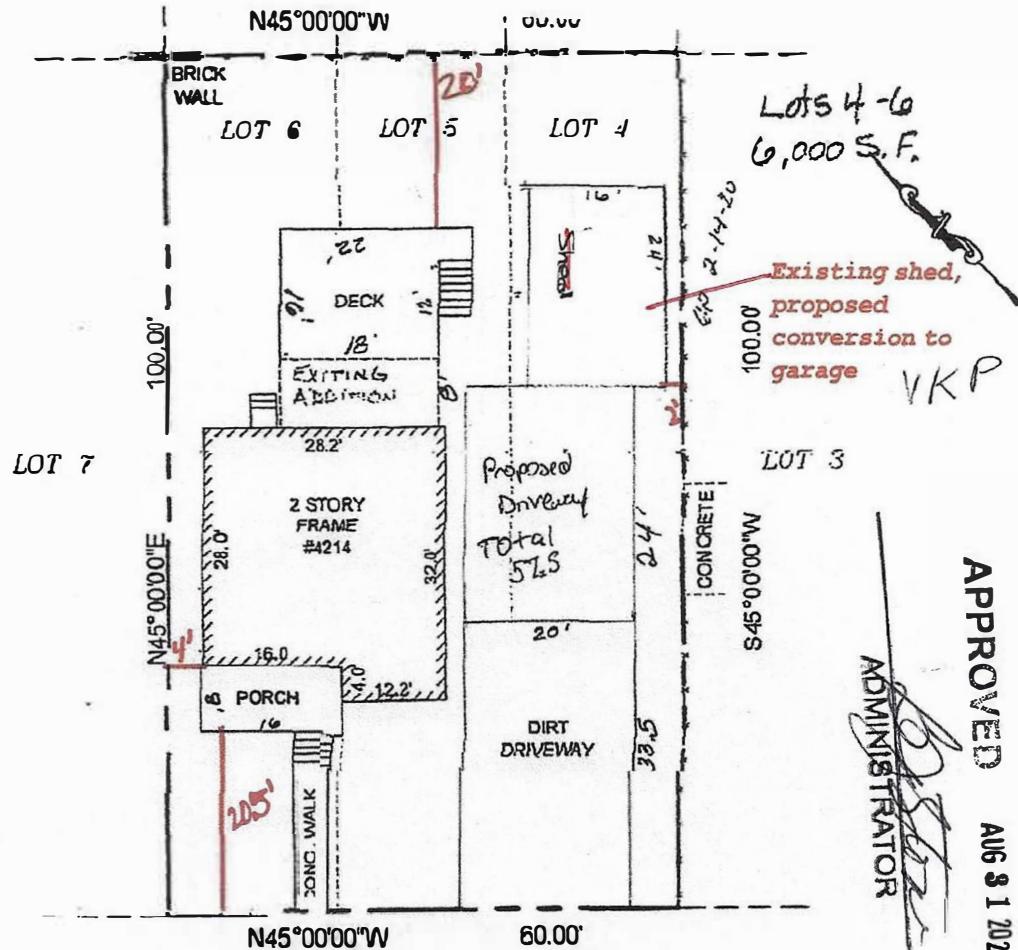
Further, Section 27-233(a) of the Prince George's County Code states:

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.

BOARD OF APPEALS

APPROVED AUG 31 2022

B. St. L.
ADMINISTRATOR



NOTES:

1. THIS IMPROVEMENT LOCATION DRAWING:
 - A. IS OF BENEFIT TO A CONSUMER ONLY INSOFAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING;
 - B. IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; AND
 - C. DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
2. THE LEVEL OF ACCURACY OF APPARENT SETBACK DISTANCES IS ONE FOOT, MORE OR LESS.
3. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
4. SUBJECT TO ALL EASEMENTS ON RECORD.
5. A BOUNDARY SURVEY IS RECOMMENDED TO ACCURATELY LOCATE BOUNDARY LINES, HOUSE AND IMPROVEMENTS ON PROPERTY.

DRAWN BY: DS
FILE: 842-4ELDC-2019

I HEREBY CERTIFY THAT IMPROVEMENTS ARE LOCATED AS SHOWN HEREON AND TO THE BEST OF MY INFORMATION, PROFESSIONAL KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACHMENTS



LOCATION DRAWING
LOTS 4-6: BLOCK 44
BRADBURY HEIGHTS
PLAT: #1 @ 70

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1" = 20' 20'

DATE: 10/4/19

REAL ESTATE SURVEYORS & DEVELOPERS, LLC

Residential, Commercial, Industrial and Land

WWW.RESDLCC.COM

LAUREL LAKES EXECUTIVE PARK

8325 CHERRY LANE

LAUREL, MARYLAND 20707

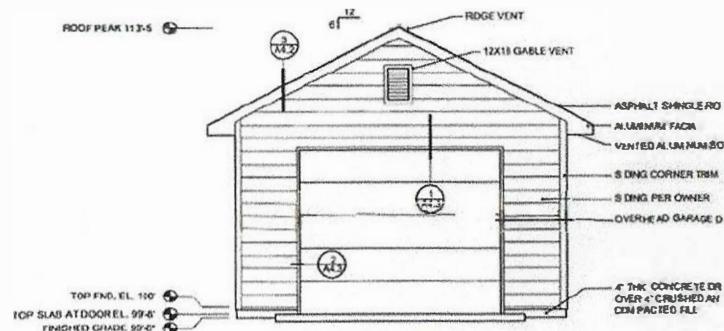
TEL: (301) 604-3105 FAX: (301) 604-3100

EXH. # 2
V-51-22

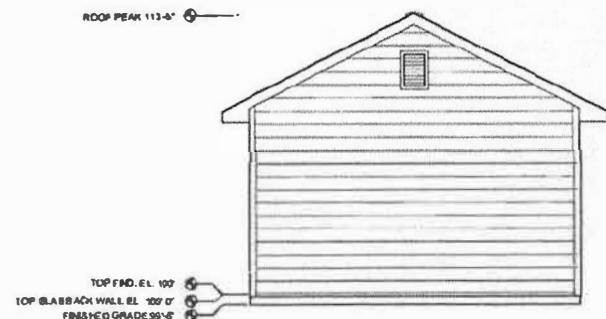
BOARD OF APPEALS

APPROVED AUG 31 2022

B. Stone
ADMINISTRATOR

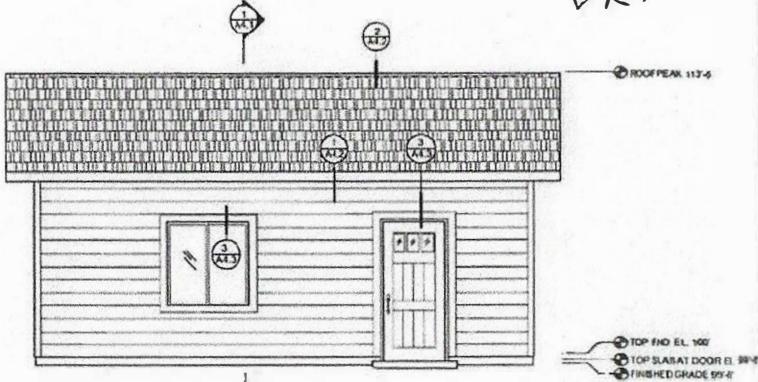


① FRONT ELEVATION

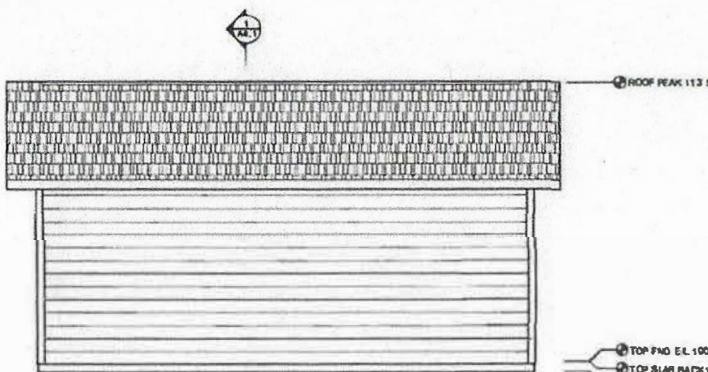


③ REAR ELEVATION

There will not be
a side window
VKP



② LEFT SIDE ELEVATION



④ RIGHT SIDE ELEVATION

J&D Design Studio
240-755-5494

GREG GARAGE PLANS

SCALE: 1" = 1'-0"
DATE

EXHIBIT
EXTERIOR
ELEVATIONS

EXH. # 3
V-51-22

A3.1