



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-54-22 Susan Henderson

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: September 14, 2022

CERTIFICATE OF SERVICE

This is to certify that on October 26, 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 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

Petitioners: Susan Henderson

Appeal No.: V-54-22

Subject Property: Lot 2, Block A, Jefferson Heights Subdivision, being 802 Minna Avenue, Capitol Heights,
Prince George's County, Maryland

Heard and Decided: September 14, 2022

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

Vacant, 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 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, 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 validate existing conditions (net lot area, lot width, front yard depth, side yard width) and obtain a building permit for an existing one-bedroom addition. Variances of 1,498 square feet net lot area, 10.5 feet lot width, 3.5 feet front yard depth, 2 feet left side yard depth and 1.4 feet right side yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1938, contains 5002 square feet, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling, driveway, carport, addition and shed. Exhibits (Exhs.) 2, 3, 8, 9 and 10 (A) thru (G).
2. The property is rectangle in shape with a slight slant on the rear property line. Exhs. 2 and 3.
3. Petitioner proposes to validate preexisting conditions (net lot area, lot width, front yard depth, side yard width) and obtain a building permit for an existing one-bedroom addition. A variance of 1,498 net lot area is requested as the Zoning Ordinance requires a minimum allowable net lot area of 6,500 square feet. A variance of 10.5 feet is required as the minimum width of 65 feet measured along the front building line is deficient. A front yard setback of 25 feet is required because the existing front yard setback is only 21.3 feet, requiring a variance of 3.5 feet. Also, since the existing dwelling is located 6 feet from the left side lot line and 6.6 feet from the right-side lot line variances of 2 feet left side yard depth and 1.4 feet right side yard depth are needed, respectfully. Exhs. 2, 3, 8, 9 and 10 (A) thru (G).
4. Petitioner Susan Henderson testified that she purchased the property (in October 2021) and was caught up in a situation created by the previous owner. She explained that there is a stop work order, dated May 20, 2021, for the addition (one bedroom) in the rear of the home.¹ Exhs. 2, 4 and 6.

¹ The Board noted that in V-64-14 the prior variances were approved on September 17, 2014, to facilitate development on the subject property. The variances subsequently expired, as the previous owner never obtained building permit(s). Exh. 5.

5. She explained that she was unaware of this issue until after she purchased the property. The previous owner pulled permit (30627-2014) and built the addition; however, the work was never inspected. She was informed that the mechanical, electrical, and plumbing of the addition must be inspected. She stated that the County put a "hold on her deed." She stated that in order to acquire permit (17636-2022), the requested variances must be obtained. Exhs. 2, 4, 6, 7 and 8.

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

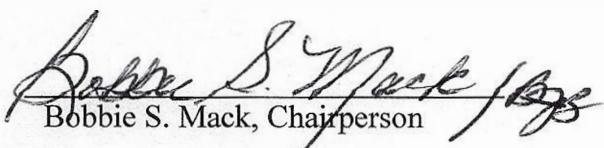
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-4200, more specifically:

Due to final inspections on the rear addition development were never obtained, the previous variances were approved for the development but expired, existing conditions must be validated again before a permit for the addition may be obtained 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, Vice Chair seat vacant, that variances of 1,498 square feet net lot area, 10.5 feet lot width, 3.5 feet front yard depth, 2 feet left side yard depth and 1.4 feet right side yard depth in order to validate existing conditions (net lot area, lot width, front yard depth, side yard width) and obtain a building permit for an existing one-bedroom addition on the property located at 802 Minna Avenue, 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.

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.

HOUSE LOCATION SURVEY

LOT 2, BLOCK "A"

JEFFERSON HEIGHTS

PLAT BOOK 88 6 @ PLAT 32

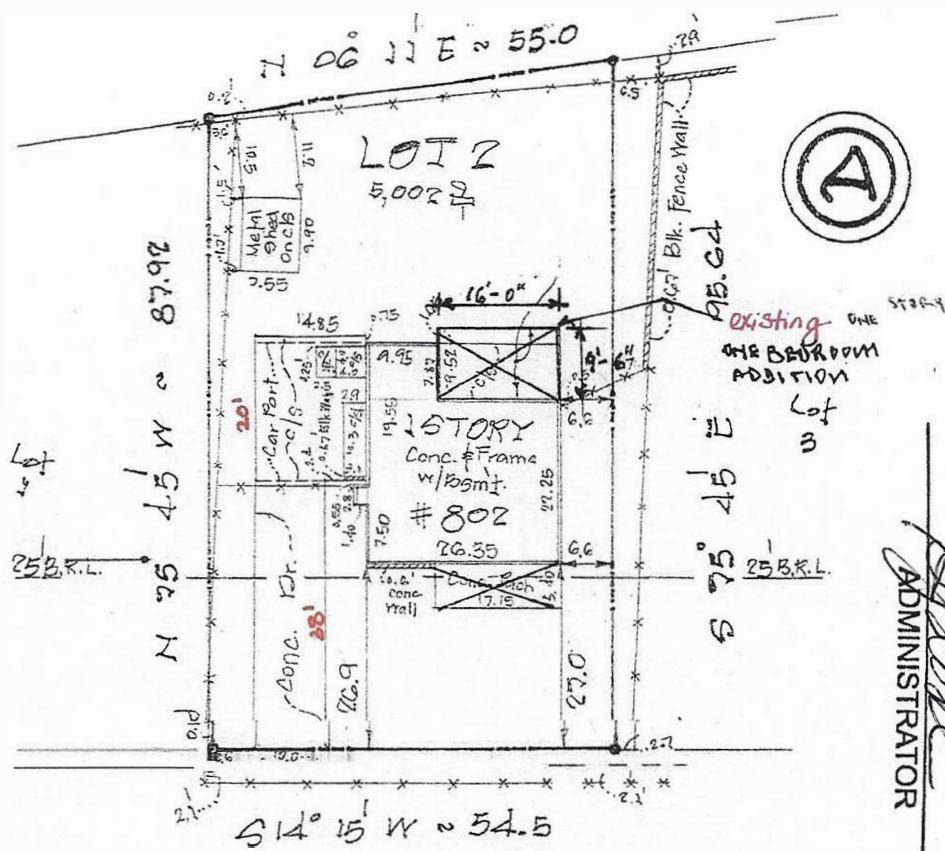
18TH ELECTION DISTRICT

PRINCE GEORGE'S COUNTY, MD.

SCALE: 1" = 20'

Cedar Heights

BDS 1 @ 29



MINNA

AVENUE



The property shown herein is not within
Zone A-Special Flood Hazard Area per
F.E.M.A. Flood Insurance Rate Maps.



W. L. MEEKINS, INC.

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REGISTRATIONS
MD # 21348, # 10833



SURVEYOR'S CERTIFICATES:

I hereby certify that the position of the existing improvements on the above described property has been carefully established by a transit - tape survey and that unless otherwise shown, there are no visible encroachments.

DATE: 14th August 2014 BY L. M.

I hereby certify that I have carefully surveyed the property as shown by this plat and property corners are in place as shown.

E:

NOTE: House location surveys do not include setting iron pipes on property corners.

NO TITLE REPORT FURNISHED
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS
OF RECORD OR OTHERWISE

DCLO # 999999

BOARD OF APPEALS

Approved
FEB 14 2022