



# 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*

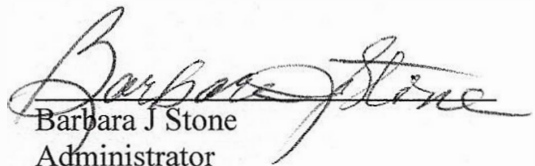
### *OF BOARD OF APPEALS*

RE: Case No. V-65-22 September Holdings A, LLC.

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: November 30, 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.

  
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***

Petitioner: September Holdings A, LLC

Appeal No.: V-65-22

Subject Property: Lots 63-65, Block 48, Capitol Heights Subdivision, being 5221 Doppler Street, Capital Heights, Prince George's County, Maryland

Municipality: Capital Heights

Counsel for Petitioner: David Moreno, Esq., J. Anukem and Associates, LLC

Witness: Alicia Hines, Property Owner

Heard: October 26, 2022; Decided: November 30, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Anastasia T. Johnson, Member  
Renee Alton, Member  
Carl Isler, Member  
Board Member Observing: Teia Hill, 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, Petitioner requests that the Board approve a variance from Section 27-4202(e)(1) which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line and 52 feet measured along the front street line. Section 27-4202(e)(6) which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth. Petitioner proposes to obtain a building permit for the proposed single-family dwelling. Variances of 20 feet front building line width, 7 feet front street line width and 16 feet side street yard depth are requested.

**Evidence Presented**

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

1. The property was subdivided in 1905, contains 6,800 square feet, is zoned Residential, Single-Family-65 (RSF-65) and is currently vacant. Exhibits (Exhs.) 4, 6, and 10 (A) thru (G).
2. The subject property is located on a corner lot with the legal front being on Doppler Street and the legal side street being Opus Avenue. The dwelling will front on Doppler Street. The lot is irregular in shape as an "L" shape property. There is a minimal slope on the property. Exhs. 2, 3, 4, 9, 10 (A) thru (G).
3. Petitioner proposes to obtain a building permit for the proposed single-family dwelling. Variances of 20 feet front building line width, 7 feet front street line width and 16 feet side street yard depth. Due to the date of the subdivision, the front building line and the front street line, validation of both will be required. Due to the configuration of the subject property, the side street yard setback is not being met. Exhs. 2, 3, and 7.
4. Attorney Mr. Moreno questioned the property owner, Alicia Hines, for her to provide testimony in her own words.
  - Q. What is the address of the property in question?
  - A. 5221 Doppler Street, Capital Heights.

Q. Are you the owner of this property?

A. Yes

Q. What is the zoning type for this property?

A. Zoning is Residential, Single-Family-65.

Q. Is this property subject to any type of Homeowners Association?

A. No.

Q. Who is the dwelling being constructed for?

A. The dwelling is being constructed for myself and my 13-year-old daughter to reside in.

Q. Has a site development concept plan been submitted for this property?

A. Yes, the plan has been submitted to Prince George's County and it has been red-stamped approved by DPIE on August 16, 2022.

Q. What typed of variance are you requesting for your property?

A. She was under the impression that she only needed one variance, which is what the permit office advised her, but the Board of Appeals stated three variances, so she accepts that. This being a corner lot she believes she needs a side street yard depth.

5. Board Administrator interjected to advise the hearing that the Board of Appeals typically goes over the entire plan to ensure that all variances are covered to validate any condition that does not meet current code. Therefore, there are three required variances needed.

6. Mr. Moreno continued questioning Ms. Hines

Q. Why are you requesting these variances from the Board?

A. She bought this lot, because she did her research and was told advised by the County that the property is a buildable lot. She believes this house would fit in great with the neighborhood.

Q. Will your property have side yards of at least 7 feet on each side of your property?

A. Yes, 7 feet on one side and 8 feet on the other side.

Q. How would you characterize the width, shape, and topographic condition of the parcel of land?

A. The subject lot is long, narrow, flat, and deep.

Q. What type of hardship would you experience if your variances are not approved?

A. She believes that she will experience several hardships, first off, mental, and emotional as she has done everything that she was required to do.

Q. How would you compare the existing homes in the area compared to what you proposing?

A. She believes that it will be comparable, same number of levels, the colors of the home, etc. Several homes in the area are very similar to setbacks. She further stated that she believes that leaving lots vacant does not help a community as the vacant lots contribute to loitering, and illegal activities. The new home will be an asset to the community.

7. Town of Capital Heights has approved the requested variances. Exh. 19.

### Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

#### **(d) General Variance Decision Standards**

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features)



- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

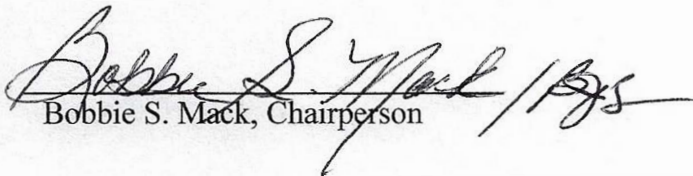
Findings of the Board

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 27-3613(d), more specifically:

Due to the lot being vacant causing loitering, illegal activities, the new home will contribute in generating an attractive community 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. Additionally, the practical difficulty was not self-inflicted by the applicant.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Teia Hill observing, that variances of 20 feet front building line width, 7 feet front street line width and 16 feet side street yard depth in order to obtain a building permit for the proposed single-family dwelling on the property located at 5221 Doppler Street, Capital 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**

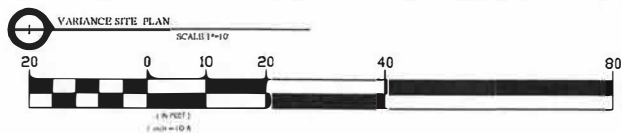
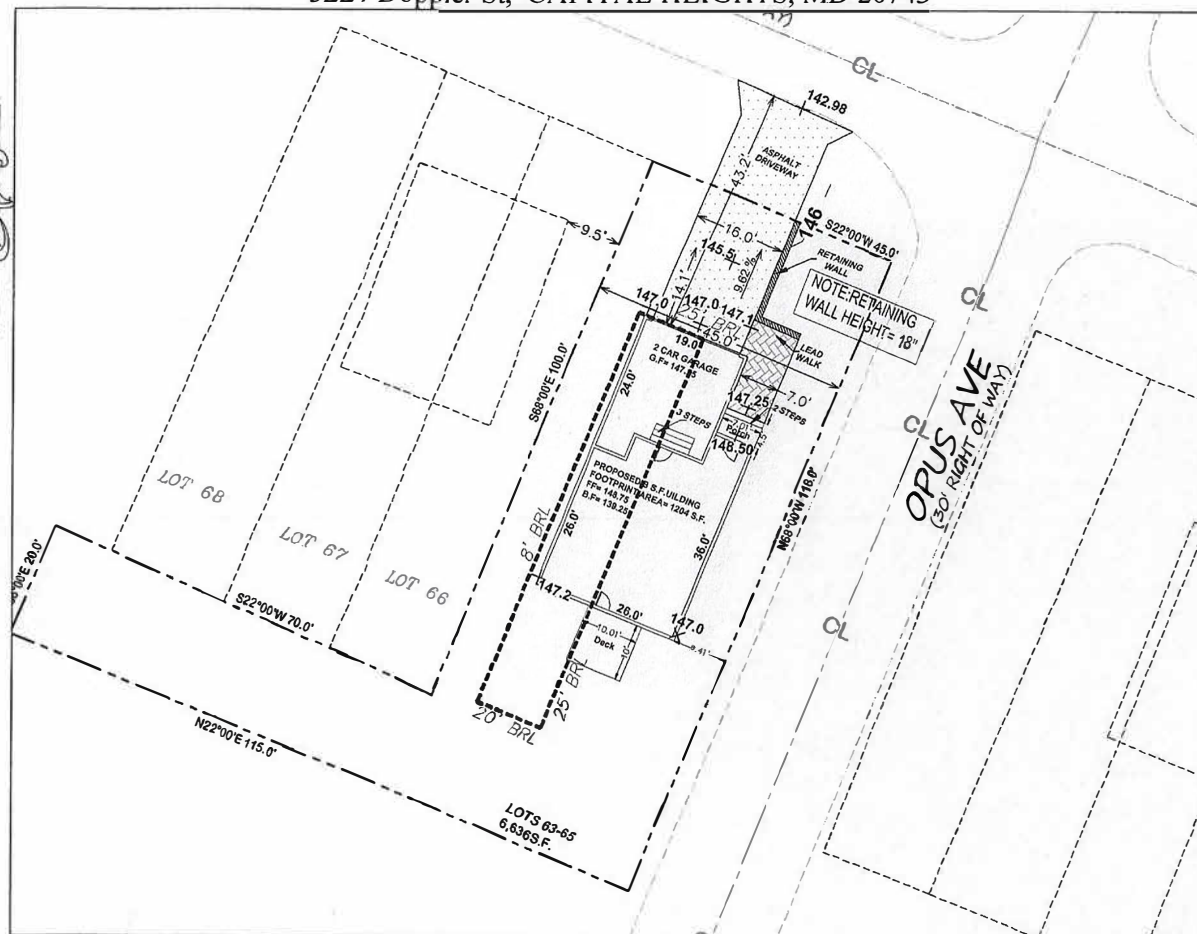
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-3613(c)(10)(B) 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.

# VARIANCE SITE PLAN

5221 Doppler St, CAPITAL HEIGHTS, MD 20743



REF	DATE	
1	10/10/00	(BUTYKOW AGENCY COMMENTS SUBMITTED)

Soil Table			
Map Unit	Map Unit Name	Acres in ACI	Percent ACI
CoD	Collington-Wist-Urban land complex, 0 to 8 percent slopes	0.1	100%
Totals for Area of Interest			100.00%



#### VICINITY MAP

## TABLE 1

BOARD OF APPEALS

APPROVED NOV 30 2022

ADMINISTRATOR

SHEET INDEX:
1 VARIANCE SITE PLAN

## GENERAL NOTES

1. The boundary information shown herein and existing topography is provided by owner, surveyor.
2. Any underground utilities information shown herein is taken from available records. The contractor must determine the location and elevation of all existing utilities shown on plan and in the field. Their routing to be conducted by 11:55 AM on 11/04/00. 11:40:00. 11:37:00 by grade. If a conflict is encountered the one making it to be resolved prior to proceeding with excavation.
3. All existing and proposed structures must be verified prior to start of work.
4. Contractor is responsible for determining structures, concrete foundations, and portions of roadways necessary to improve site. Construction of right-of-way shown herein. The contractor is to ensure they are completed before final review.
5. The contractor is to ensure they are completed before final review. The contractor is to ensure they are completed before final review. The contractor is to ensure they are completed before final review.
6. All work shall comply with applicable portions of the Maryland State and Department of Transportation.

#### SITE NOTES

1. Show Address: 8201 DOPPLER E.S., CAPITAL HEIGHTS, MO 67043
2. Service Area: ZIP+4: 67043-2955
3. Selective Profile: 200 S.F. Below 8' (Roughness/Coverage below 8' is) 221
4. Soil Cover: 1.004 S.F. or 17.7% of Lot 1; Allowed Coverage 35%
5. New Foundation Measure: 2600 ± 50.0' or 1201 S.F.
6. Net Gross Living Area: 2 Floor @ 2,400 S.F.  
Height Above Ground:
7. Maximum Lot Width in front Building Line and Front Corner Line: 65'
8. Property: Retain
9. The Limit of Disturbance is 4,200 S.F.
10. Since the Limit of Disturbance is under 5,000 S.F., This Project is Exempt from Stormwater Management Water Quantity & Quality Controls.
11. Since the Limit of Disturbance is under 5,000 S.F., This Project is Exempt from Sedimentation Control.

LEGEND			
FEATURE	SYMBOL	FEATURE	SYMBOL
ADDITIONAL POWER/TO		REDUCED WATER LOSS	
DISPOSED PRODUCT/TO		REDUCED POWER LOSS	
REDUCED REFLECTANCE LOSS		NATURAL DRAINAGE CONDITIONS	
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DISPOSED PRODUCT/TO		NATURAL DRAINAGE CONDITIONS	
DISPOSED PRODUCT/TO		REDUCED WATER LOSS	
DISPOSED PRODUCT/TO			

**NOTE:**  
The Limit of Disturbance = 4,200 S.F

## VARIANCE SITE PLAN

CAPITAL HEIGHT LOT 63-65 BLOCK 48

5221 DOPPLER ST, CAPITAL HEIGHTS,  
MO 63041

OWNER/APPLICANT INFO

ASAM LLC

ZONE: ASP-60  
 TAX ID: 3079687  
 MAP: C072  
 BLOCK: 48  
 18th ELECTION DISTRICT

QJUD: 0082  
LJMD: 47121  
POLJO: 399

18TH DISTRICT  
FRANCIS PROCTOR COURTNEY

18TH DISTRICT  
EDDIE GEORGE COUNTY, ALA.

RAZTEC ASSOCIATES, INC.

RAZTEC ASSOCIATES, INC.  
CIVIL ENGINEERS & PLANNERS

341 W. Patrick St., Frederick,  
Maryland 21701 Tel. (301) 775-4399

**EXTRADITIONAL STATEMENT**

AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAW  
OF THE STATE OF MARYLAND LICENSE NUMBER: 2242 EXPIRES JUNE 15 20

DATE	SCALE	SHEET NUMBER
------	-------	--------------

6/8/2022 1" = 10' 1 OF 1

DRAWN BY: GA	
CHECKED BY: MR	

DATE  
6/8/2022

SCALE  
1" = 10'

SHEET NUMBER
1 OF 1



APPROVED NOV 30 2022

NOV 30 2022

ADMINISTRATOR <sup>Boof</sup>  
19'-0"

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

License # 22809  
Expires: 8-21-2022

[illegible]

### Elevation Plan

A102