



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.

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

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 Associations, 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

Teia Hill, Member

Board Member Observing:

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 type 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

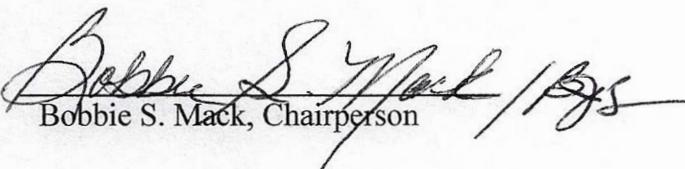
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-3613(d), more specifically:

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.

BOARD OF APPEALS

APPROVED

NOV 30 2022

~~ADMINISTRATOR~~

This architectural cross-section diagram illustrates a two-story garage structure. The building features a gabled roof with a dormer window on the upper level. The exterior is clad in vertical siding. A two-car garage is located on the ground floor, with a single door and a window above it. The upper floor contains a room with a window. The diagram includes various dimensions and material specifications:

- Roof Top:** 29'-6"
- 30 YEAR SHINGLE ROOF:** Spanning the entire roof area.
- Roof:** 15'-0"
- 1x12 FASCIA BOARD:** Along the eaves.
- 50 YEAR SHINGLE ROOF:** Spanning the dormer area.
- Second Floor:** 10'-0"
- GARAGE DOOR:** Located on the ground floor.
- 5" CON. SLAB:** The thickness of the foundation slab.
- Foundation:** 3'-0"

Dimensions shown include 12' for the overall height, 9' for the dormer height, 4' for the dormer overhang, and 1' for the garage height. The foundation is depicted as a hatched area at the bottom.

Architectural drawing of a house showing a gabled roof, a central entrance with a porch, and a window. The drawing includes dimensions for the roof (12/12 pitch), fascia board (1x12), and window (36" x 40" 16 panes). Material specifications include 30 year shingle roof, 1x12 fascia board, 2x6 stud wall, 16 O.C. vinyl siding, and optional basement. The drawing is stamped 'APPROVED' and signed 'B. J. BROWN'.

30 YEAR SHINGLE ROOF
1X12 FASCIA BOARD

12

7

36" X 40" 16 PANES

1x12

6

ADMINISTRATOR

19'-0"

Second Floor
10'-0"

2x6 STUD WALL
16 O.C.
VINYL SIDING

First Floor
0'

Foundation
-3'-0"

Optional
Basement
-3'-0"

APPROVED

NOV 30 2002

B. J. BROWN

Architectural elevation drawing of a two-story house. The front elevation shows a central entrance with a double door, flanked by two windows. The second floor has two windows. The rear elevation shows a side entrance with a double door. The roof is gabled with a height of 29'-8". The front elevation has a height of 11'-4" (11 ft 4 in) and a width of 15'-0" (15 ft 0 in). The rear elevation has a height of 10'-0" (10 ft 0 in) and a width of 11'-0" (11 ft 0 in). The side elevation has a height of 11'-4" (11 ft 4 in) and a width of 15'-0" (15 ft 0 in). The foundation is at -3'-0" (-3 ft 0 in). The roof is 30 years old. The drawing includes a dashed line for a rear extension and a note for 5' GUTTER.

This architectural cross-section diagram illustrates the exterior and interior features of a two-story house. The exterior is clad in vertical vinyl siding. The roof is a gabled design with a 30-year shingle roof. The interior features a 2x8 stud wall with 16 O.C. (on center) joists. The house includes a first floor, a second floor, and a foundation level. A central entrance is marked with an arrow. The diagram also shows a soffit board with a 7-1/2" overhang and fascia boards. A vertical dimension line indicates a height of 10'-0" from the foundation to the second floor. A horizontal dimension line at the top indicates a total width of 19'-0". A note at the top left indicates a scale of 1/4" = 1'-0". A note at the top right indicates a scale of 1/4" = 1'-0". A note at the bottom right indicates a scale of 1/4" = 1'-0".

September Properties, LLC
12138 Central Avenue, #955
Bowie, MD 20721

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.



"The Mecca Elevation Plan

A102

EXH. # 3
V-65-22