



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-71-22 Omar Flooring Contractor, 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: December 14, 2022.

CERTIFICATE OF SERVICE

This is to certify that on March 6, 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". Below the signature, the name "Barbara J. Stone" is printed in a smaller, sans-serif font, followed by the title "Administrator" in a slightly smaller font.

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: Omar Flooring Contractors, LLC

Appeal No.: V-71-22

Subject Property: Parcel 11, Tax Map 80, being 4907 Holly Spring Street, Suitland,
Prince George's County, Maryland

Counsel for Petitioners: Anu KMT

Witness(es): Eliseo Maroles, Realtor

Moya Young, Neighbor

Percy Mitchell, Neighbor

Jill Mitchell, Neighbor

Juan Swann, Dpie Inspector

Heard: December 14, 2022

Decided: January 11, 2023

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

Anastasia T. Johnson, Member

Renee Alston, Member ***not present at December 14th Hearing**

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, Petitioners request that the Board approve a variance from Section 27-4202(e)(2) of the Zoning Ordinance, which prescribes that each lot shall have a minimum width of 65 feet measured along the minimum front setback and 52 feet measured along the front street line, and a rear yard at least 20 feet in depth. Petitioner proposes to validate existing conditions (lot frontage, lot width, and rear yard depth) and obtain a building permit to construct a second story addition on RSF-65 (Residential Single Family-65) Zoned property. A variance of 9 feet lot width, 22.63 lot frontage and 5 feet rear yard depth are requested.

Evidence Presented

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

1. The property was subdivided in 1976, contains 893 square feet, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling. Exhs. 7, 10, and 11.
2. Petitioner acquired property through Special Warranty Deed in 2022. The state of the property preceded the transfer. Exh. 4.
3. Due to the size of the house, Petitioner desires to add a second story without changing the footprint of the property. Exhs. 2, 9, and 16.

4. Eliseo Maroles, realtor for the Petitioner, testified that most of the surrounding community houses are combination of two story, one and one-half story, and one story.
5. Moya Young, neighbor, testified that the property is in disrepair and would like to see the upkeep of the lot before preceding to construction. She indicated there are large amounts of leaves on the property and the tarp is an eyesore in the community.
6. Anu KMT, attorney for Petitioner, responded to Board member Isler questions concerning the encroachment on neighbor's property, and it necessary to receive a permit to remove the patio wall. A stop work order prevented the Petitioner from correcting the encroachment.
7. Jill Mitchell testified that the variance should not be granted because Holy Springs is a busy intersection and automobiles compete with pedestrians. Percy Mitchell testified that did not fit the character of the neighborhood.
8. Juan Swan, DPIE Inspector, offered the Board technical assistance and determined the current state of the property is more harmful to the surrounding community than the proposed plans.

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 does/does not comply with the applicable standards set forth in Section 27-3613, more specifically:

Due to the property being on a corner lot and the preexisting house is in the legal rear yard, it would require several variances to meet current lot width, side street and rear yard setbacks in the RSF-65 Zone. The uniqueness of the property prohibits the correction of a noted encroachment on the property and only remedied through granting of the variances. The surrounding community contains two story house and fits into the character of the neighborhood and 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. The renovation of one house that remain an eyesore in the community will not substantially impair the use and enjoyment of adjacent properties, and the practical difficulty is not self-inflicted as the house previously existed on the property.

BE IT THEREFORE RESOLVED, unanimously, that the variances of 9 feet lot width, 22.63 lot frontage and 5 feet rear yard depth on the property located at 4907 Holly Spring Street, Suitland 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 plans, (Exhibit 3 A thru D).

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.

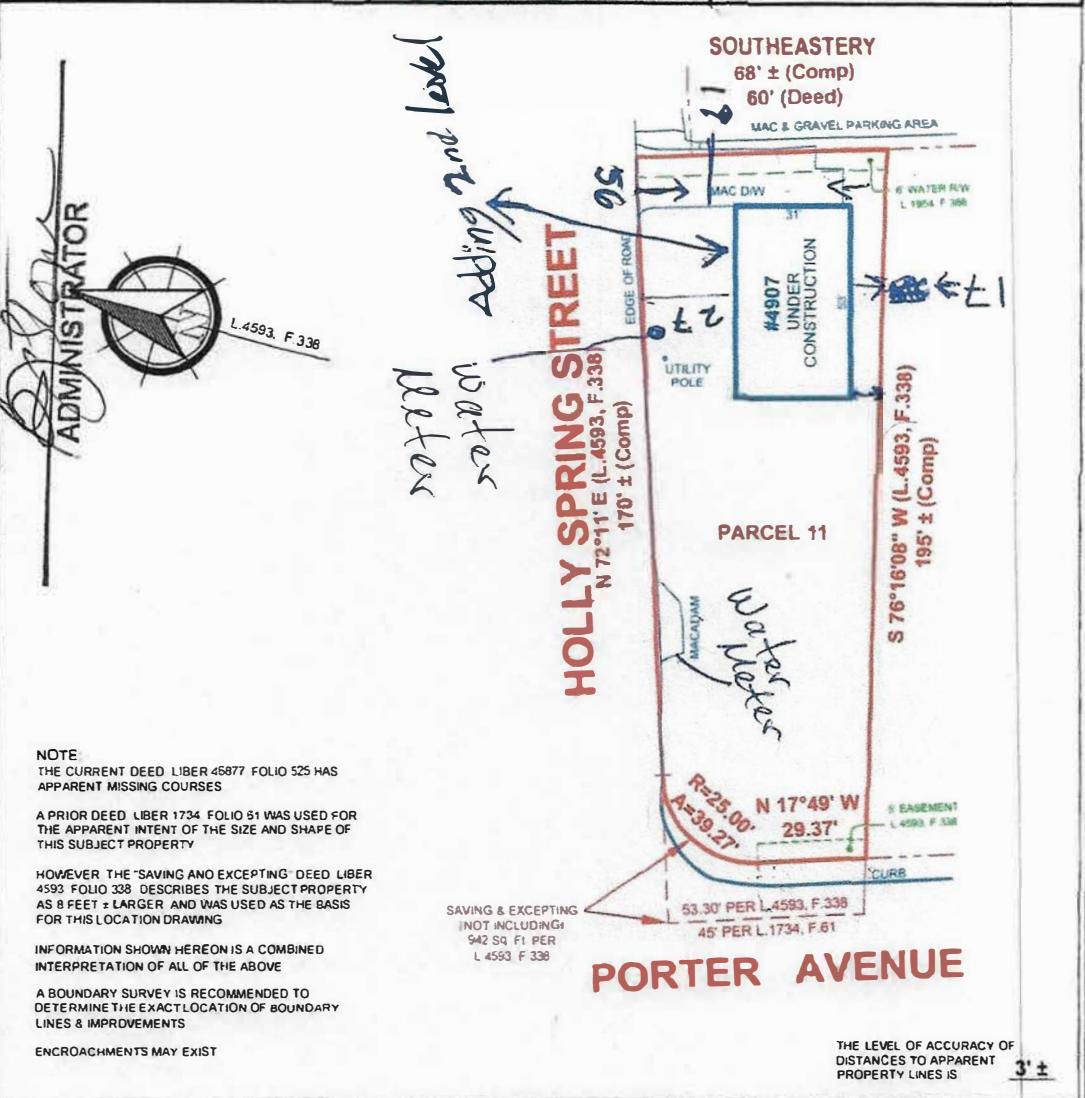
Further, Section 27-3613(c)(10)(B) of the Prince George's County Code states:

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 DEC 14 2022

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| THIS DOCUMENT IS CERTIFIED TO |  |  |  |
| CASE # | 46877 | Eliseo Morales | 10460 Democracy Blvd Potomac, MD 20854 301-646-0726 |



LOCATION DRAWING OF:
#4907 HOLLY SPRING STREET
PARCEL 11 TAX MAP 80
PRINCE GEORGE'S OPPORTUNITY FUND, LLC., PROPERTY
AS DESCRIBED IN
LIBER 46877, FOLIO 525 (See Note)
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE 1"=40' DATE 03-29-2022
DRAWN BY: AP FILE # 223025-200

LEGEND:
FENCE
BGE BASEMENT ENTRANCE
BWN BAY WINDOW
BR BRICK
BRL BLDG. RESTRICTION LINE
BSMT BASEMENT
CS CONCRETE STOOP
CONC CONCRETE
DW DRAINWAY
EXI EXISTING
FR FRAME
MAC MACADAM
NFE NOW OR FORMERLY
OH OVERHANG
PUE PUBLIC UTILITY ESTAT
PE PUBLIC IMPROVEMENT ESTAT
RECORD INFORMATION
IMPROVEMENTS
ESTATE & RESTRICTION LINE

COLOR KEY

A Land Surveying Company
DULEY
and
Associates, Inc.
Serving D.C. and M.D.
14604 Elm Street, Upper Marlboro, MD 20772
Phone: 301-888-1111 Fax: 301-888-1111
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SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I HAVE A RESPONSIBILITY TO GUARD OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATIONS 12 CHAPTER 08 1306 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER IMPROVEMENTS. THIS PLAT 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. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INSO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING, OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS ± 3'. NO TITLE REPORT WAS FURNISHED TO ME DUE TO THIS DRAWING BEING PREPARED FOR ANOTHER SURVEYOR. AN APPRAISAL REPORT WAS NOT PREPARED. NO RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST A BOUNDARY SURVEY IS RECOMMENDED.

DULEY & ASSOC.
WILL GIVE YOU A 100%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY
EXCLUDING D.C. & BALTIMORE

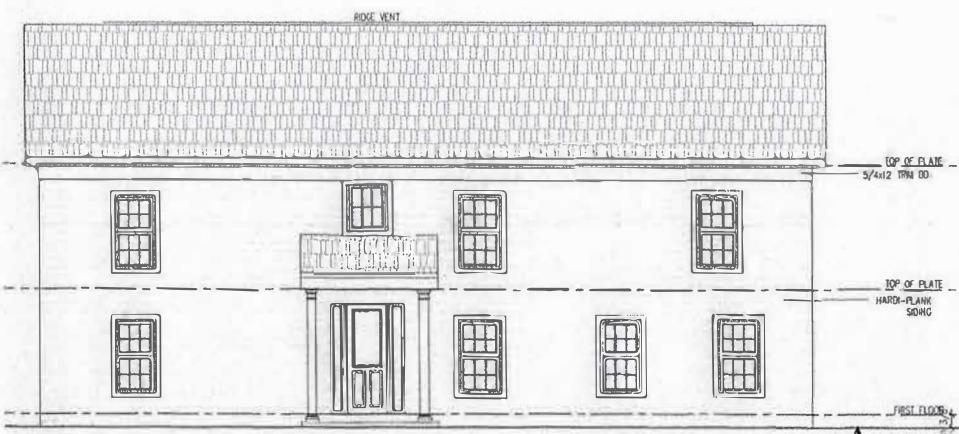
EXHIBIT
2
V-71-22

BOARD OF APPEALS

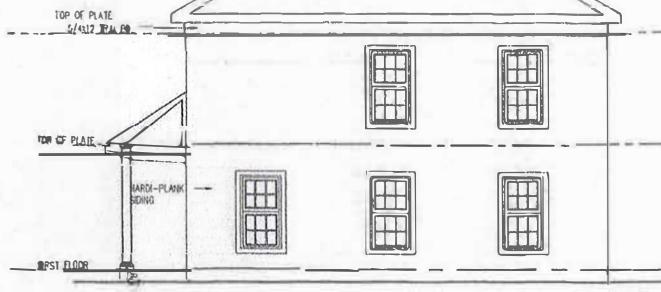
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APPROVED DEC 14 2022

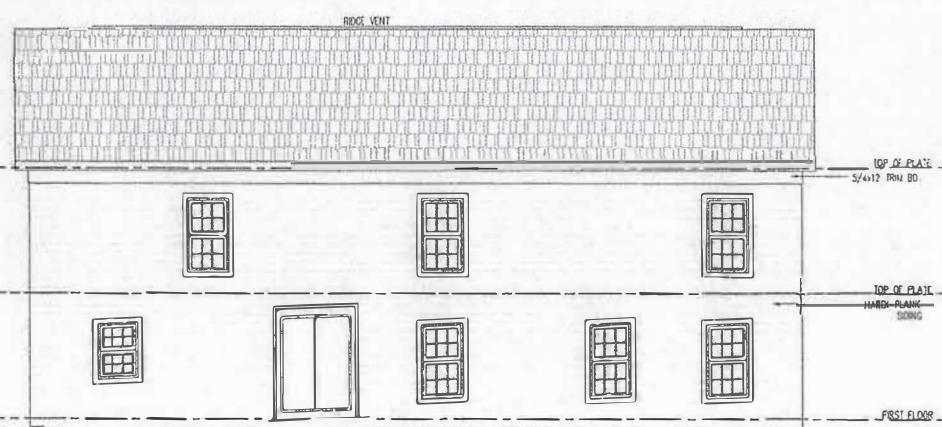
[Signature]
ADMINISTRATOR



FRONT ELEVATION
1/4" = 1'-0"



RIGHT SIDE ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



LEFT SIDE ELEVATION
1/4" = 1'-0"

HOME ADDITION
4907 HOLLY SPRING ST.
SUITLAND, MD 20746

ELEVATIONS

| Revision | Date | No. |
|----------|------|-----|
| | | |
| | | |
| | | |
| | | |

Scale: 1/4" = 1'-0"
Date: 4.21.2022
Drawing No. A-200
Sheet No.

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EXHIBIT
3 (A -D)
V-71-22