



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

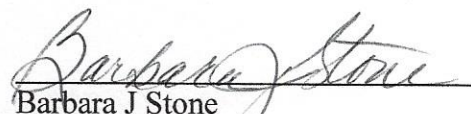
OF BOARD OF APPEALS

RE: Case No. V-12-20 Clarence and Emma Collins

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 9, 2020

CERTIFICATE OF SERVICE

This is to certify that on November 19, 2020, 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

Petitioners: Clarence and Emma Collins

Appeal No.: V-12-20

Subject Property: Lots 17 & 18, Block 6, Columbia Park Subdivision, being 6801 El Paso Street, Landover,
Prince George's County, Maryland

Witness: Stephanie Proestel, Deputy Director, Housing Initiative Partnership

Heard and Decided: September 9, 2020

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, 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 27-229 of the Zoning Ordinance, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a side yard at least 7 feet in width and each corner lot shall have a side yard along the side street at least 25 feet in depth. Petitioners propose to validate existing conditions (side yard width and side street line) and obtain a building permit for the unauthorized construction of a deck. Variances of 7 feet side yard width and 8 feet side street yard depth are requested.

Evidence Presented

1. The property was subdivided in 1894, contains 15,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, deck, driveway and shed. The lot consists of two lots being lots 17 and 18, Block 6 of Columbia Park Subdivision. Each lot consists of 25 feet street frontage, totaling 50 feet. Exhibit (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioners would like to validate existing conditions (side yard width and side street line) and obtain a building permit for the unauthorized construction of a deck. Variances of 7 feet side yard width and 8 feet side street yard depth are requested. The deck will be located 1 foot from the legal side yard of the property and the existing dwelling is located only 17 feet from the side street line. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (D).

3. The Housing Initiative Partnership (HIP) has assisted the Petitioners in securing a state grant to make needed repairs. HIP Deputy Director Stephanie Proestel testified that Ms. Collins applied for a state grant to make life safety improvements in her house. One of the improvements will be to repair a 20-year-old deck which is in disrepair (warped and rotted). The deck boards and steps will be rebuilt to the same size and dimensions as the original. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (D).

4. The rebuilt deck will provide a safe entrance and exit from a second entry. Exh. 3.

5. Ms. Proestel stated that neighbors submitted no objections to the improvements.

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

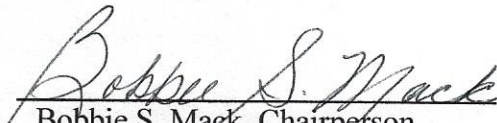
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the rear deck/landing being in an unsafe condition of disrepair, the need for a second safe and secure passage/exit for emergency situations 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, unanimously, that variances of 7 feet side yard width and 8 feet side street yard depth in order to validate existing conditions (side yard width and side street line) and obtain a building permit for the unauthorized construction of a deck on the property located at 6801 El Paso Street, Landover, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and elevation plans, Exhibit 3 (a) thru (b).

BOARD OF ZONING APPEALS

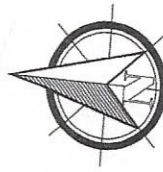
By:


Bobbie S. Maek, ChairpersonNOTICE

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.



P.B. A @ 86

EL PASO STREET

N83°27'E
100'



VIRGINIA AVENUE

BOARD OF APPEALS

APPROVED / SEP 9 2020

ADMINISTRATOR

THE LEVEL OF ACCURACY OF
DISTANCES TO APPARENT
PROPERTY LINES IS:

1'±

LOCATION DRAWING OF:

#6801 EL PASO STREET
LOTS 17 & 18 BLOCK 6
PLAN OF

COLUMBIA PARK
PLAT BOOK A, PLAT 86
PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 01-15-2020
DRAWN BY: B.G. FILE #: 200278-200

LEGEND:

- X- FENCE
- B/E BASEMENT ENTRANCE
- B/W BAY WINDOW
- BR BRICK
- BRL BLDG. RESTRICTION LINE
- BSMT BASEMENT
- CS CONCRETE STOOP
- CONC CONCRETE
- D/W DRIVEWAY
- EX EXISTING
- FR FRAME
- MAC MACADAM
- G GATE
- O/H OVERHANG
- PUE PUBLIC UTILITY ESMT.
- PIE PUBLIC IMPROVEMENT ESMT.

COLOR KEY:

- (RED) RECORD INFORMATION
- (BLUE) IMPROVEMENTS
- (GREEN) ESMTS & RESTRICTION LINES

A Land Surveying Company



DULEY
and
Associates, Inc.

Serving D.C. and MD.

14604 Elm Street, Upper Marlboro, MD 20772

Phone: 301-888-1111
Email: orders@duley.biz

Fax: 301-888-1114
On the web: www.duley.biz



SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09.13.06 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 INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING 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 DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

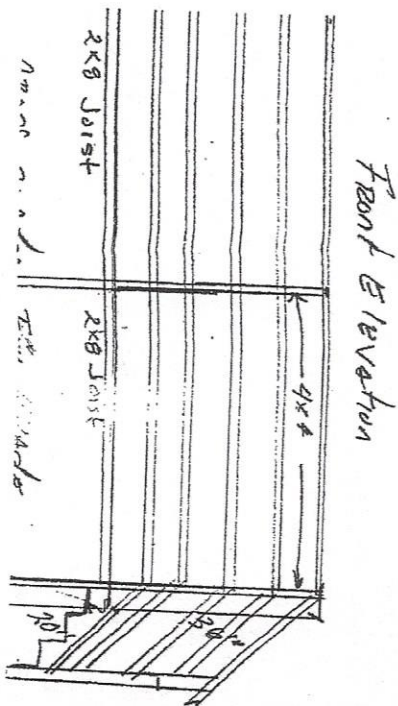
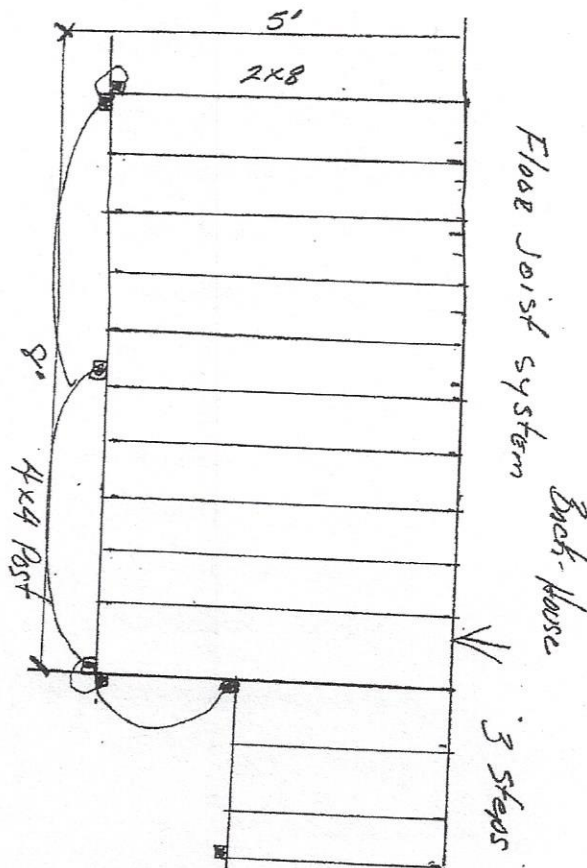
DULEY & ASSOC.

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.

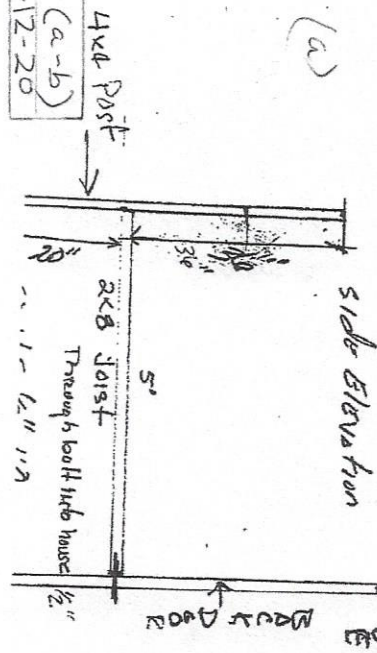
(EXCLUDING D.C. & BALT. CITY)

EXH. # 2
V-12-20

Framing Plans
 16801 El Paso Street
 Landover, MD 20785



EXH. # 3 (a-b)
 V-12-20



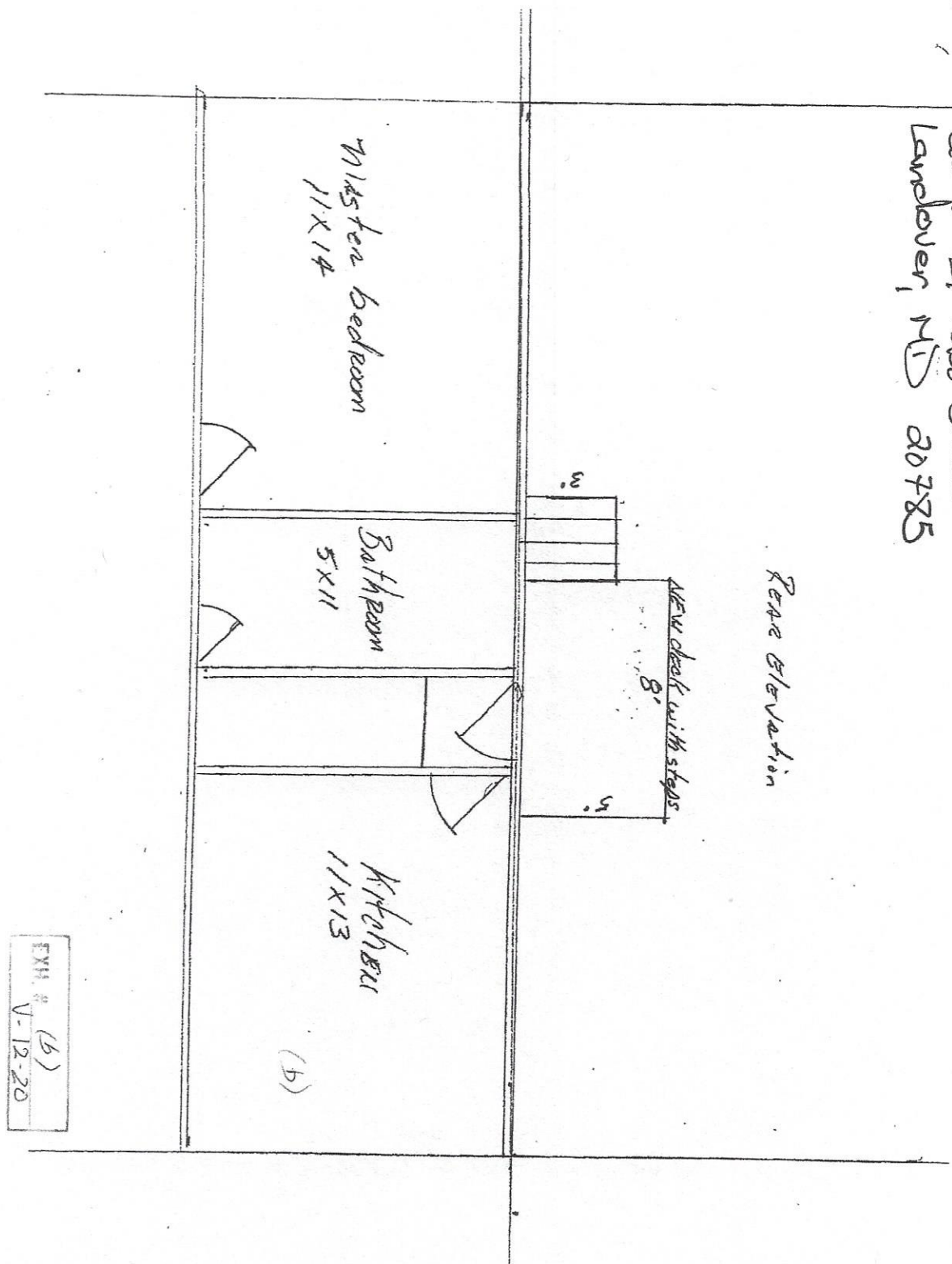
BOARD OF APPEALS

APPROVED SEP 9 2020

[Signature]
 ADMINISTRATOR

6801 El Paso Street
Lawdover, MD 20785

Rear Elevation



BOARD OF APPEALS

APPROVED SEP 9 2020

[Signature]
ADMINISTRATOR