



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-61-20 Atlantic Real Property, 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: January 27, 2021

CERTIFICATE OF SERVICE

This is to certify that on June 30, 2021, 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: Atlantic Real Property, LLC

Appeal No.: V-61-20

Subject Property: Lots 172 and 173, Map Grid 066A2, Cedar Height's Subdivision, being 6219 L Street, Capitol Heights, Prince George's County, Maryland

Counsel for Petitioner: Abdullah Hijazi, Esq., Hijazi Law

Witness: Kenneth Yue, Owner, Atlantis Real Property, LLC

Heard and Decided: January 27, 2021

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, Petitioner requests that the Board approve a variance Section 27-442(e)(Table IV) 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. Petitioner proposes to validate existing conditions (side yard width and side street yard depth) and obtain a building permit for the construction of the proposed two-story dwelling with basement. Variances of 2 feet side yard width and 12 feet side street yard depth are requested.

Evidence Presented

1. The property was subdivided in (unknown), contains 5,802 square feet, is zoned R-55 (One-Family Detached Residential) and is vacant. Exhibits (Exhs.) 2, 4, 6, 8, 9 and 10 (A) thru (H).

2. The subject property is a vacant corner lot with the legal front yard facing 64th Avenue. The lot is long and narrow being 130'.97" x 54'.21". The lot has a trapezoid shape with the rear lot width ending at 37.25 feet. Exhs. 2 and 4.

3. Because of the odd-shape of the lot and the existing recorded building envelope, validations of the existing property dimensions are required and variances of 2 feet side left yard width and 12 right side yard depth to accommodate the most suitable location of the proposed house on the corner lot. Exhs. 2, 4, 6, 8, 9 and 10 (A) thru (H).

4. Attorney Abdullah Hijazi explained that the proposed development is for a two-story house, garage and driveway facing 64th Avenue. He stated that variances are required for both legal side yards because the property is a corner lot with a diagonal side lot line on the right side. He explained that because this is a corner lot, the requirement for the right-side yard increases from the standard 8-foot side yard to 25 feet.¹

¹ Mr. Hijazi stated that the plat showing the frontage should have correctly shown it to be 67 feet. He explained that, however, after surveying the lot, the surveyor discovered the road construction had encroached and slanted into the subject property by 12.67 feet, effectively reducing the lot frontage along 64th Avenue to 54.21 feet (and the right-side yard). Had the width been per the original plat, the right-side variance would not be needed. Exh. 2.

5. He further stated that if the variances are not granted, the lot would not constitute a buildable lot and be essentially worthless because of the road encroachment.

6. Counsel stated that the proposed size of the house (42' x 25') is not out of character with comparable houses in the neighborhood. Exhs. 5 (A) thru (C).

7. A revised site plan was submitted to demonstrate the actual lot coverage. Exh. 16

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:

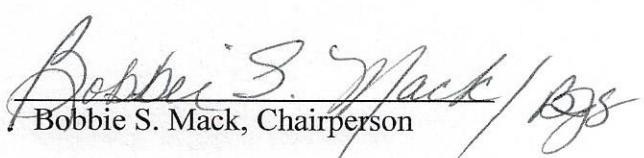
Due to the property being a corner lot, the trapezoid shape of the lot, road encroachment moving the platted right side line 12.67 feet within the subject lot (with no formal dedication), existing recorded building envelope of the development and the character of the neighborhood, granting the relief 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, unanimously, that variances of 2 feet side yard width and 12 feet side street yard depth in order to validate existing conditions (side yard width and side street yard depth) and obtain a building permit for the construction of the proposed two-story with basemen on the property located at 6219 L Street, 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 revised site plan, Exhibit 16 and approved elevation plans, Exhibits 3 (a) thru (e).

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.

Note:

1. This survey has been prepared without the benefit of a title report and is subject to any facts that may be disclosed by a full and accurate title search.

N 05° 14' 41" E

47.96 PLAT

35.23 Surveyed

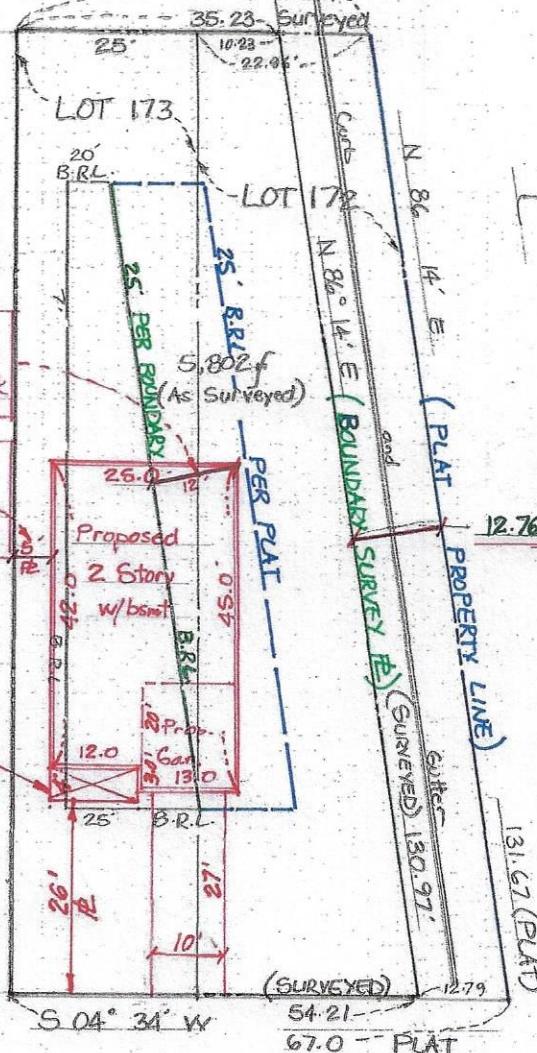
11/ North 1° 20'

Requesting
12' Relief
Front Set Back

Requesting
2' Relief
Side Set Back

Covered
Porch

100.00



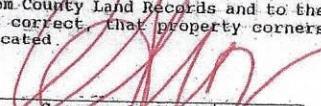
64 TH

50' R/W

AVENUE

SURVEYOR'S CERTIFICATE

I hereby certify that this lot survey is based on a field survey performed by myself or directly under my supervision. Information herein was obtained from County Land Records and to the best of my knowledge and belief is correct, that property corners have been found and/or set as indicated.

3-24-2020
Date

 Gregory C. Benefiel
Registered Professional
Land Surveyor, Md # 10994

Drawn By, Tom G
Checked By, Tax
Date: 09-16-19
Scale: 1" = 20'
Job No. 18-42
Case No. Lucy Lu

SURVEYS INC.

LAND DEVELOPMENT • SURVEYING • PLANNING
ENGINEERING • PERMITS
350 MAIN STREET
LAUREL, MARYLAND 20707
301.776.0561

EXH. # 16
V-61-20

SURVEY FOR VARIANCE
(#TBD) 64 TH Avenue
Lot 173 172, Block __, Sec./plat __

CEDAR HEIGHTS

(18th) Seat Pleasant Election District
Prince George's County, Maryland
Plat Book BDS-1, Plat 29 Drawing #
Liber , Folio S-5570

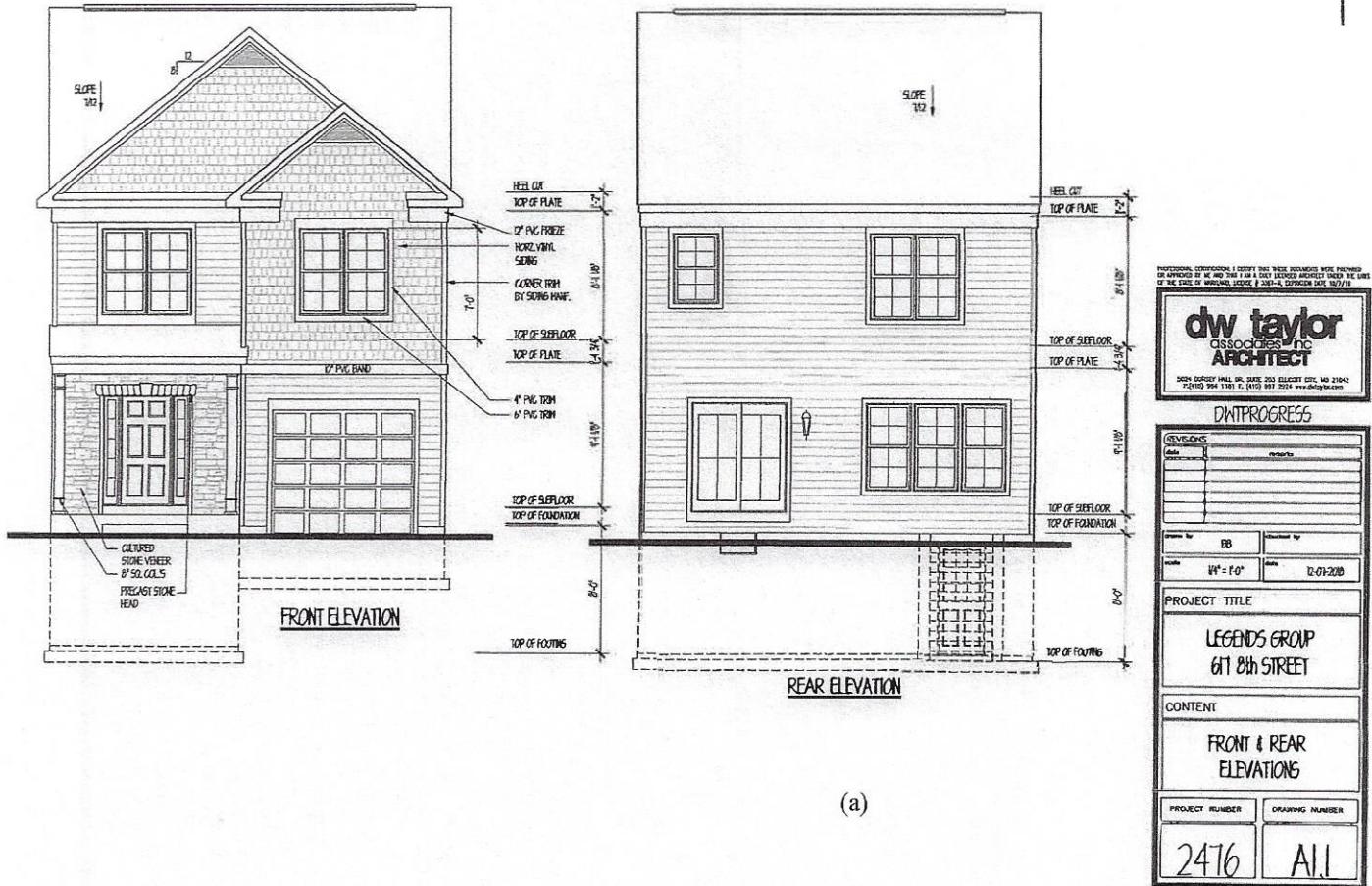
APPROVED JAN 27 2021


ADMINISTRATOR

BOARD OF APPEALS

APPROVED JAN 27 2021

ADMINISTRATOR



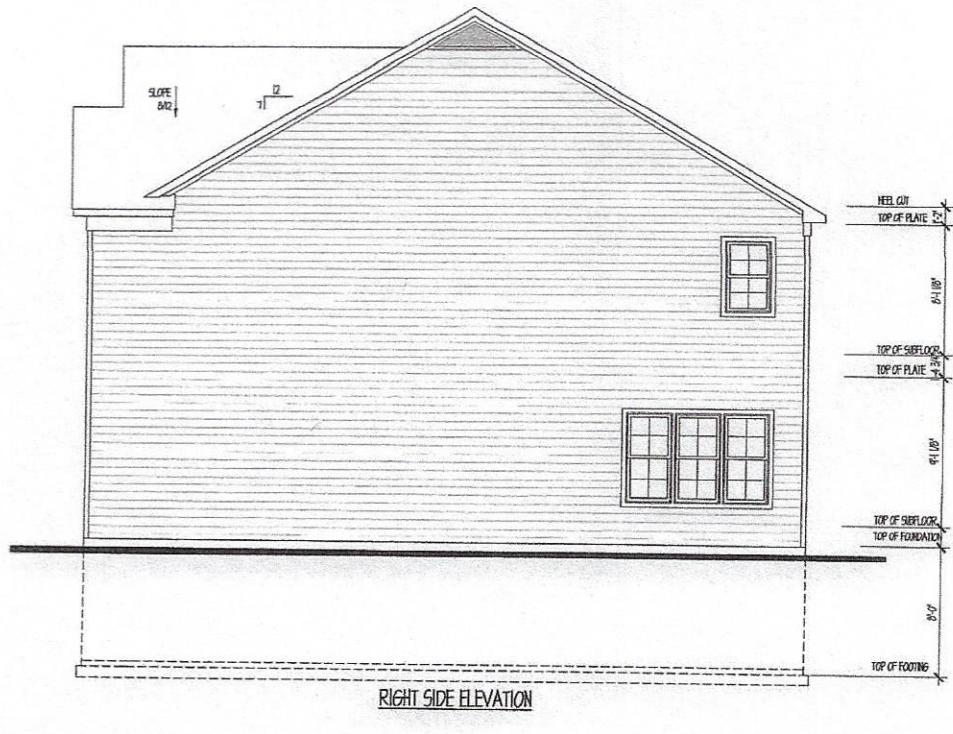
(a)

EXH. # 3(a-e)
V-61-20

BOARD OF APPEALS

APPROVED JAN 27 2021


ADMINISTRATOR



(b)

PROFESSIONAL CORPORATION I CERTIFY THAT THIS DOCUMENT WAS PREPARED
OR APPROVED BY ME AND THAT I AM A REGISTERED ARCHITECT IN THE STATE OF MARYLAND, LICENSE # 2301-L, EXPIRATION DATE 10/27/19

3021 BOSTON MILL DR, SUITE 200, ELLICOTT CITY, MD 21042
(410) 381-1581, FAX: (410) 381-2294, www.dwtaylor.com

dw taylor
associates, inc.
ARCHITECT

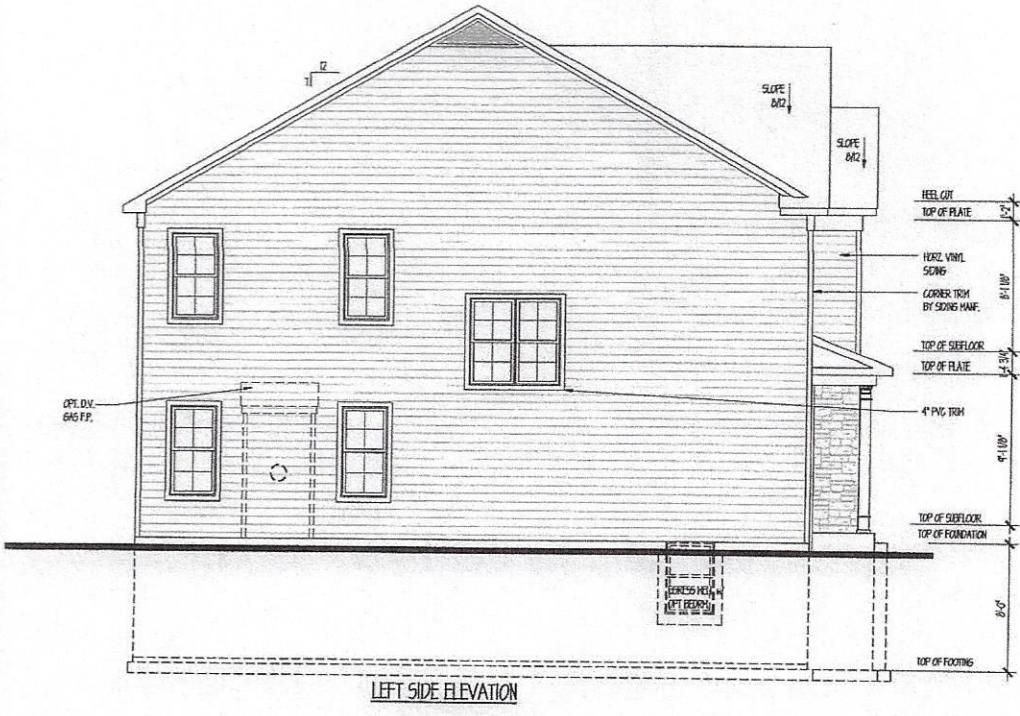
DWT PROGRESS

REVISIONS	REVISIONS
DATE	REVISIONS
12-01-2018	
COMPLETED BY	checked by
dw taylor	
DATE	12-01-2018
PROJECT TITLE	
LEGENDS GROUP 611 8th STREET	
CONTENT	
LEFT SIDE ELEVATION	
PROJECT NUMBER	DRAWING NUMBER
2476	A12

BOARD OF APPEALS

APPROVED JAN 27 2021

D. Stone
ADMINISTRATOR



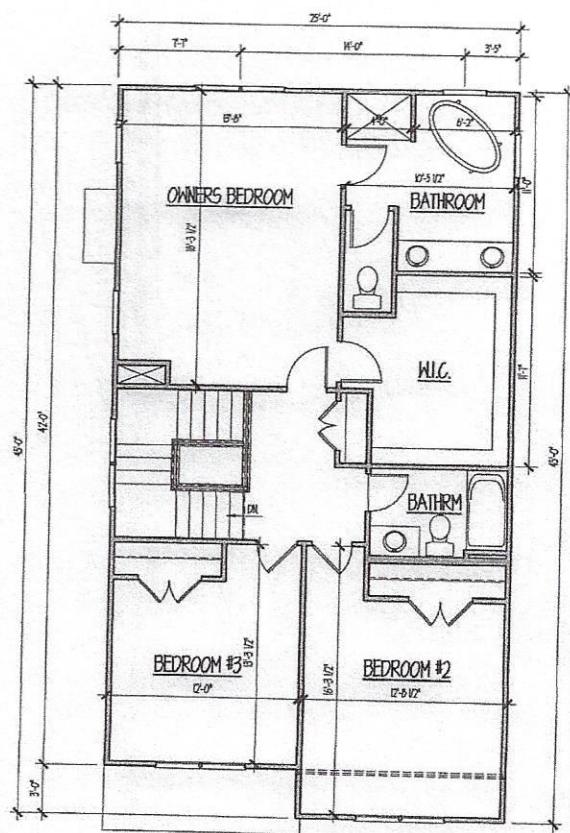
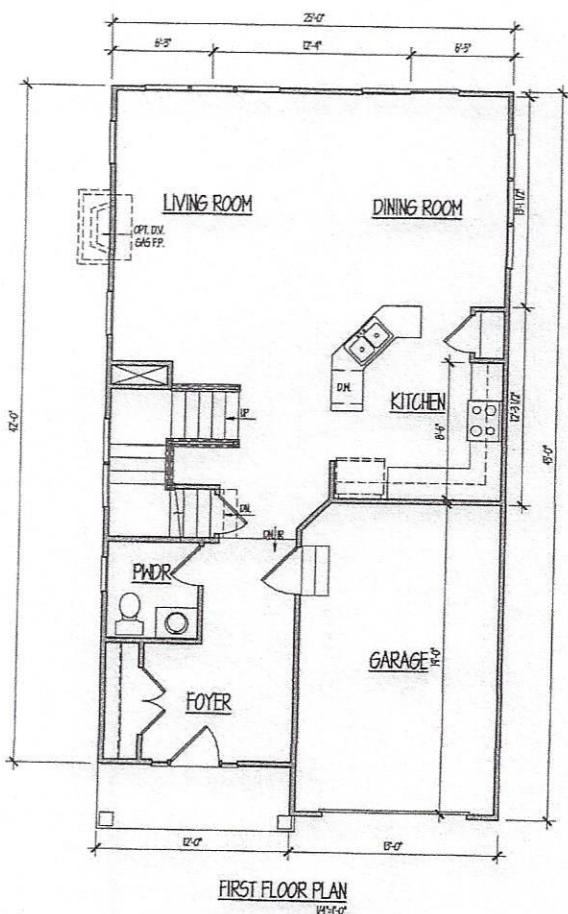
(c)

JAN 27 2021

John
ADMINISTRATOR

BOARD OF APPEALS

APPROVED



PROFESSIONAL CERTIFICATION: I certify that these dimensions were found
on APPROVED BY ME AND THAT I AM A DAY LICENSED ARCHITECT UNDER THE LAW
OF THE STATE OF MARYLAND, LICENSE # 3311-R, EXPIRATION DATE 10/2/19.

dw taylor
associates, inc.
ARCHITECT

1001 COOPER FALLS DR, SUITE 202, ELLICOTT CITY, MD 21042
(301) 994-1184, FAX: (301) 281-2097, www.dwtaylor.com

DATE: 12-07-2010

DRAFT PROGRESS

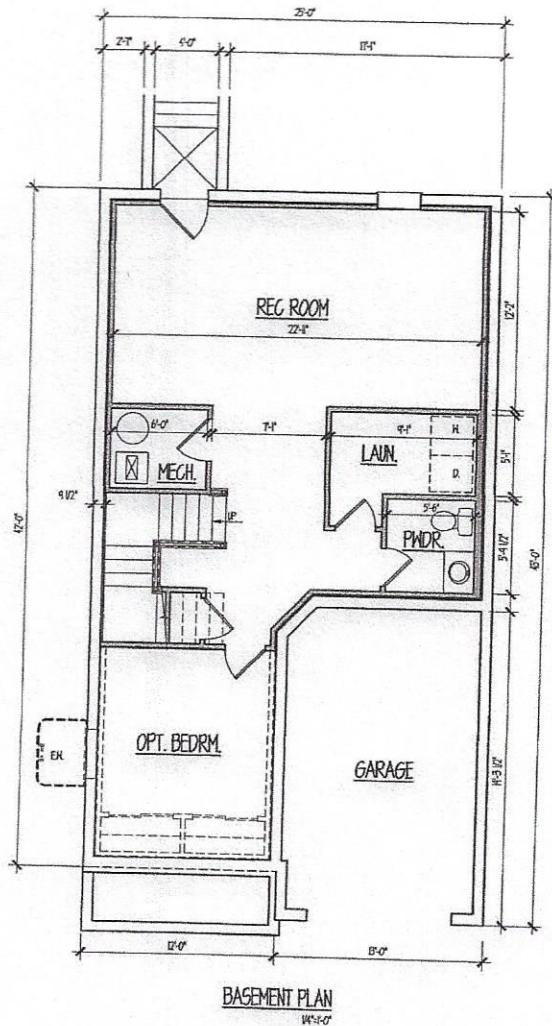
REVISIONS	
date	remarks
drawn by	checked by
scale	date
1/4" = 1'-0"	12-07-2010
PROJECT TITLE	
LEGENDS GROUP 617 8th STREET	
CONTENT	
FIRST & SECOND FLOOR PLANS	
PROJECT NUMBER	DRAWING NUMBER
2476	A31

(d)

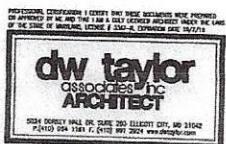
JAN 27 2021

BOARD OF APPEALS

APPROVED



(e)



REVIEWS	
Date	Comments
Drawn by BB Checked by	
Scale 1/8" = 1'-0" Date 12-01-2016	
PROJECT TITLE	
LEGENDS GROUP 617 8th STREET	
CONTENT	
BASEMENT PLAN	
PROJECT NUMBER	DRAWING NUMBER
2476	A21