



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-62-20 Mark W. Robinson

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: April 28, 2021

CERTIFICATE OF SERVICE

This is to certify that on 9/23/2021, 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". Below the signature, the name "Barbara J. Stone" is printed in a standard black font, followed by the title "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: Mark W. Robinson

Appeal No.: V-62-20

Subject Property: Lots 24 & 25, Block 17, Greater Capitol Heights Subdivision, being 815 Glacier Avenue, Capitol Heights, Prince George's County, Maryland

Witness: John Watkins, Construction, Inc.

Heard: April 14, 2021 and Decided: April 28, 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 from Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 5000 square feet. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 50 feet measured along the front building line. Section 27-442(e)(Table IV) of the Zoning Ordinance which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioner proposes to validate existing conditions (net lot area, front building line width and front yard depth) and obtain a building permit for the unauthorized constructions of one-story addition. Variances of 1000 square feet net lot area, 10 feet front building line width and 9.1¹ feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1909, contains 4000 square feet, is zoned R-55 (One-family Detached Residential) and is improved with a single-family dwelling, a second-floor addition, covered front porch and deck. The original structure was built in 1939. Exhibits (Exhs.) 3, 5, 10, 11 and 12 (a) thru (d).
2. The property is narrow at 40 feet wide and 100 feet in length. Exhs. 3 and 5.
3. Petitioner would like to validate existing conditions (net lot area, front building line width and front yard depth) and obtain a building permit for the unauthorized constructions of a one-story addition.
4. The net lot area does not meet the current prerequisite of 5,000 square feet, requiring a variance of 1000 feet. The front building line width does not the requirement of 50 feet for which a variance of 10 feet front building line width is required. In addition, the front yard setback is deficient and requires a variance of 8.6 feet. Exhs. 3, 5, 10, 11 and 12 (a) thru (d).
5. Petitioner Mark Robinson testified that he has owned the property for 3 years, but it was and remains uninhabitable. Mr. Robinson explained that he would like to add a full second floor for which a building permit was initially approved and lapsed. He stated that when he attempted to reinstate the building permit, the Department of Permitting, Inspections and Enforcements (DPIE) (Permit Office) stated that an error in identifying setbacks had occurred for the subject property and a variance would be needed. Exhs. 2, 3, 4 (a) thru (d), and 6.

¹ A correction and need for reduction for the front yard setback to 8.6 feet was identified. Because the difference is lower, there is no need to re-advertise the appeal on this change.

6. Mr. John Walker elaborated that the building plans were approved, and the construction had begun, but when it was time for the final inspection, the building permit had expired (caused by problems associated with the job site). When renewal of the permit was applied for, the zoning review section of DPIE discovered that a variance was missed during the review and the permit could not be approved due to setback issues. Mr. Walker stated that the contractor was advised that variances were needed. He stated that the original house had a partial second story and the plan was to complete the second story in the same footprint as the first floor with a covered front porch. Exhs. 2, 3, 4 (a) thru (d), and 6.

7. Mr. Walker also stated that the original house was in complete disrepair and uninhabitable.

8. He testified that neighbors have praised the work done on the house.

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

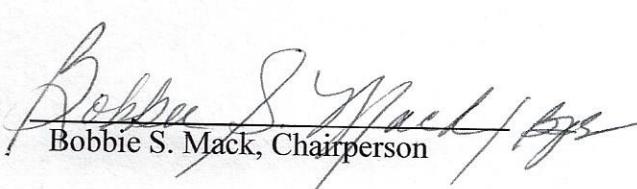
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the house being in disrepair and uninhabitable, the need to add additional living area, an initial building permit for a second story construction had been approved and the permit expired, the construction is on the same footprint as the dwelling, DPIE identification for the need for variance(s) 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 1000 square feet net lot area, 10 feet front building line width and 8.6 feet front yard depth in order to Petitioner proposes to validate existing conditions (net lot area, front building line width and front yard depth) and obtain a building permit for the unauthorized constructions of one-story addition on the property located at 815 Glacier Avenue, 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 site plan, Exhibit 3 and approved elevation plan, Exhibit 4 (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.

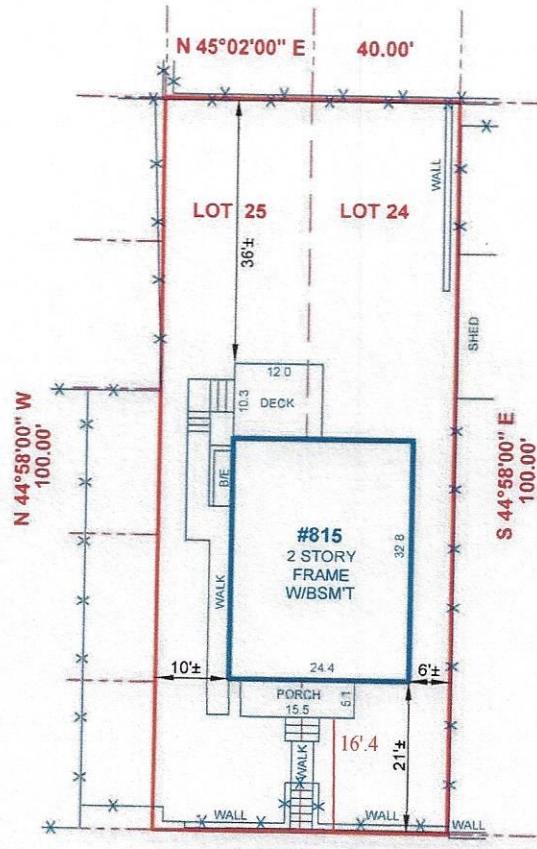
Further, Section 27-233(a) of the Prince George's County Code states:

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.

BOARD OF APPEALS

APPROVED APR 28 2021

[Signature]
ADMINISTRATOR



EXH. # **3**
V-62-20

NOTE:
ENCROACHMENTS
MAY EXIST

LOCATION DRAWING OF:

#815 GLACIER AVENUE LOTS 24 & 25 BLOCK 17

SHEET NO. 2

GREATER CAPITOL HEIGHTS

PLAT BOOK 1, PAGE 61

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 01-30-2021

DRAWN BY: BG/AP/CP FILE #: 210820-200

LEGEND:

X - FENCE
 B/E - BASEMENT ENTRANCE
 BW - BAY WINDOW
 BR - BRICK
 BRL - BLDG. RESTRICTION LINE
 BSMT - BASEMENT
 C/S - CONCRETE STOOP
 CONC - CONCRETE
 CRWY - CROWWY
 FR - FRAME
 MAC - MACADAM
 OH - OVERHANG
 PUE - PUBLIC UTILITY ESMT.

COLOR KEY:

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

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DULEY

and
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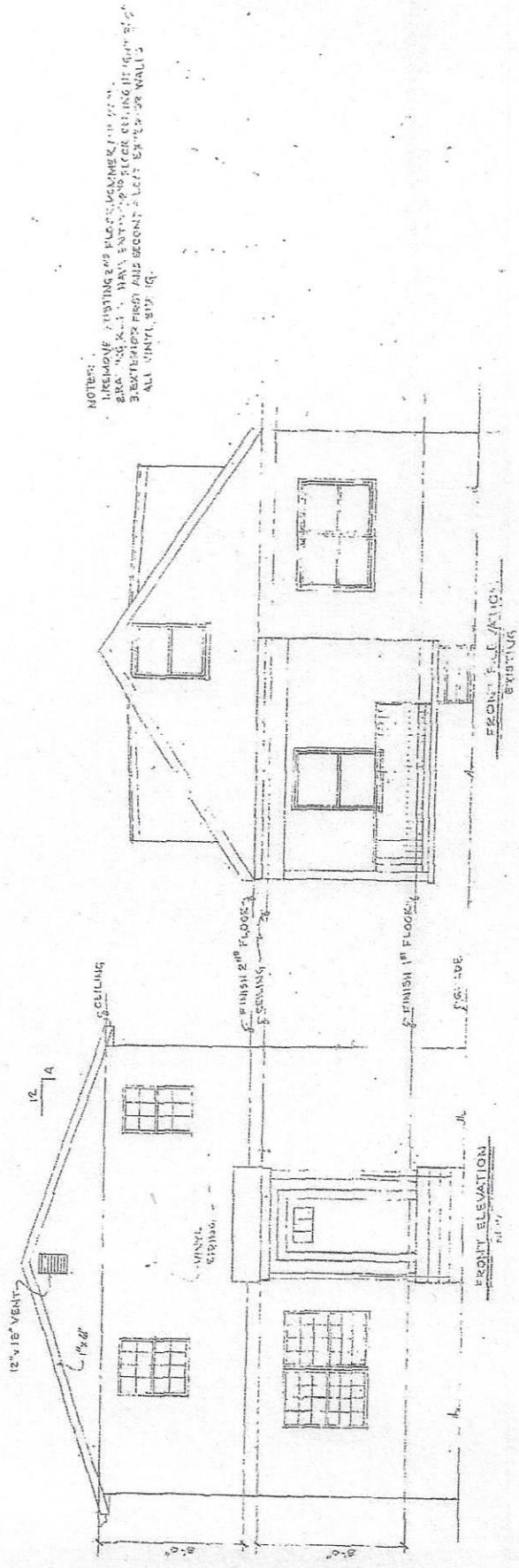


SURVEYOR'S CERTIFICATE

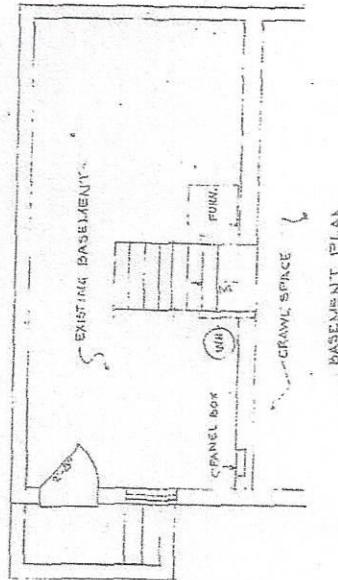
I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REG. 14.01 AND C. 01, R. 09, 13.08 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS, THIS PLAT DOES NOT PROMOTE FOR THE ACCURACY IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR FOR LENDING OR FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1". THIS TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS SURVEYOR. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING 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. & BALT. CITY)



NOTE: The following table lists the number of hours required to complete the various tasks for each of the four methods of construction.



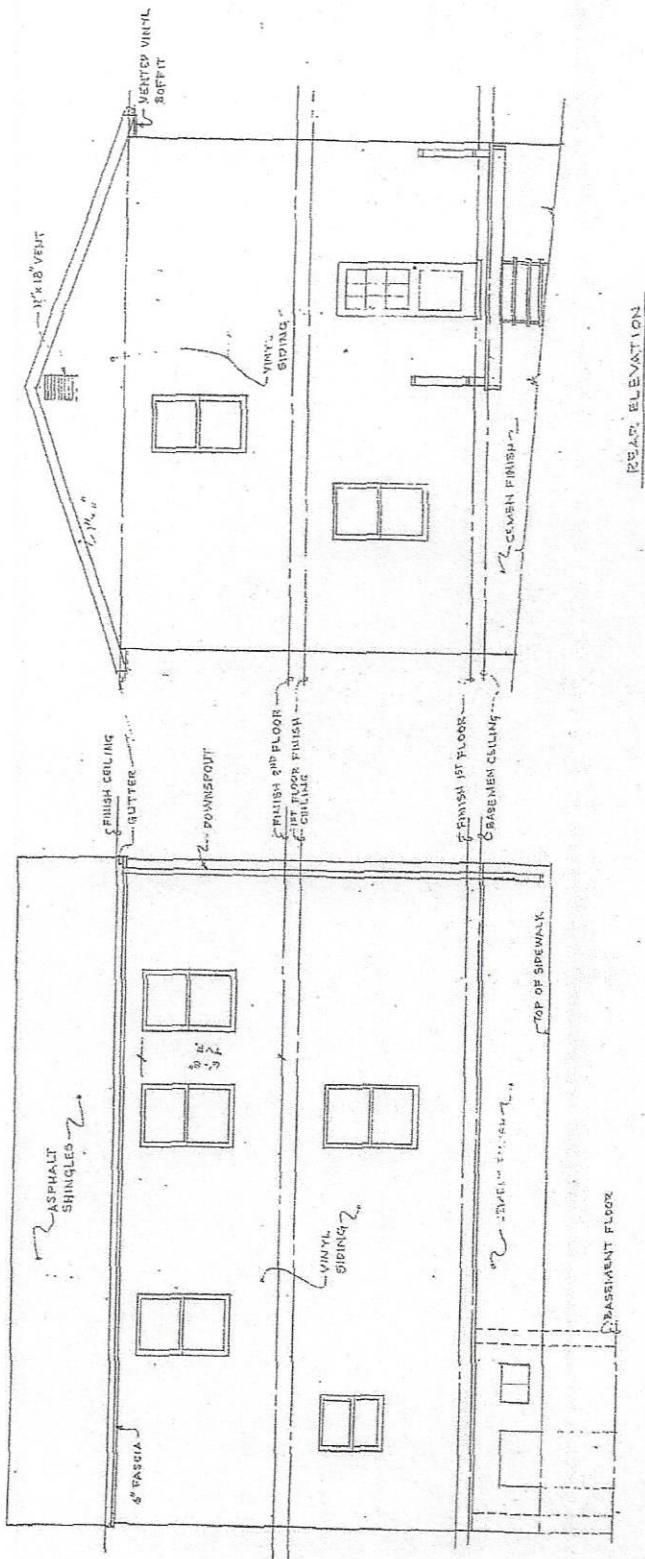
(b)

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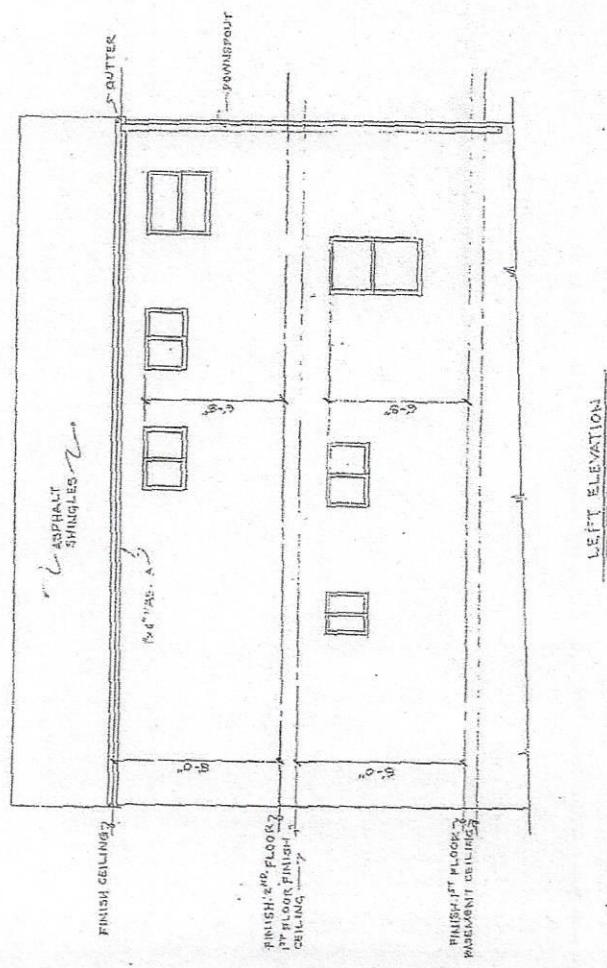


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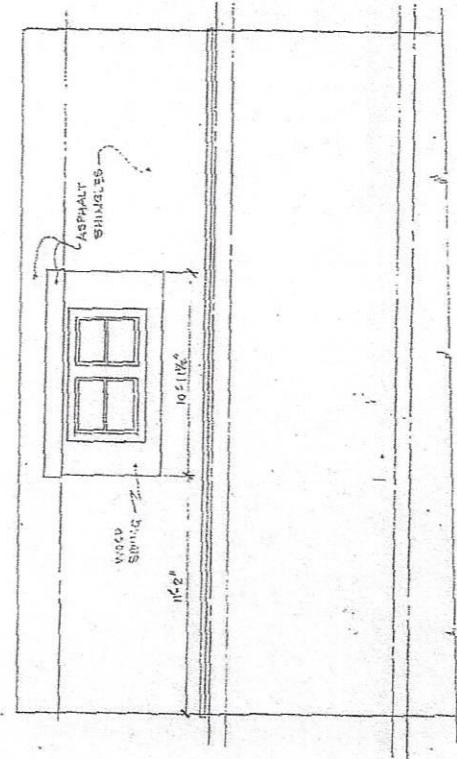
APPROVED APR 28 2021

Administrator

615 GLACIER AVE.	
CAPITOL HEIGHTS MD.	
RELEV.	14' 5"
WHITE	12' 14 1/8"
ELEV. VARIATIONS	
DETERMINING NO.	
MR-3	



LETT ELEVATION



SIXTY-ONE FEALS

APR 28 2021
APPROVED

John S. Sibley
ADMINISTRATOR

(d)

21 st ALABAMA AVE.	GARDEN CITY, MICHIGAN S.D.	1950-51	MAR-4
SCENE - WALKS	WALKS	WALKS	
DESIGN - WALKS	WALKS	WALKS	
PLAN - WALKS	WALKS	WALKS	
ELEVATION		ELEVATION	
2 1/2		2 1/2	