



# 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-69-20 Angela Vaughn

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: February 24, 2021

## **CERTIFICATE OF SERVICE**

This is to certify that on May 6, 2021 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***

Petitioner: Angela Vaugh

Appeal No.: V-69-20

Subject Property: Lot 11 & 12, Block 6, Carmody Hills Subdivision, being 622 Hedgeleaf Avenue, Capitol Heights, Prince George's County, Maryland

Witness: Gary Harris, Contractor

Heard: February 10, 2020; Decided: February 24, 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 variances 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) prescribes that each lot shall have a front yard at least 25 feet in depth and each lot shall have a side yard at least 8 feet in width. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 2 feet from rear lot line. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Variances of 1000 square feet net lot area, 10 feet front building line width, 6 feet front yard depth, 1-foot right side yard width, 1-foot left side yard width, 2 feet rear lot line setback for an accessory building (shed) and 14.8% net lot coverage were requested.

Evidence Presented

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

1. The property was subdivided in 1924, contains 4,000 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The subject property is very narrow (40 feet wide) and long (100 feet in depth). The house was constructed 1970. Exhs. 4 and 7.
3. Petitioner would like to construct an open covered front porch. Because the property was subdivided prior to the zoning regulations, the net lot area and front building line width do not meet current zoning requirements (for a buildable lot) and require variances of 1,000 square feet and 10 feet in length for the lot dimensions, respectively.
4. Adding the front porch cover encroaches the front yard setback requiring a variance of 6 feet. Variances of 1-foot right side yard width from the required 8 feet and 1-foot left side yard width from the required 8 feet. The accessory building (shed), which is located on the rear property line is required to be located at least 2 feet off the rear property line, thus requiring a variance of 2 feet. In combining the

proposed and existing development on the property, the lot coverage will be over the legal maximum net lot coverage by 14.8%. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (G).

5. Contractor Gary Harris testified that the work essentially requires putting an overhang over the existing 6' x 12' concrete porch in the front yard. The overhang will have the same width as the existing walkway. The porch cover will be open with no walls. The deck will provide weather protection and enhance the esthetics of the home. He noted that now the basic design of the house has the front and back of the home looking essentially the same. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (G).

6. Petitioner Angela Vaughn stated the shed was pre-existing. She stated that the addition of the deck and siding on the house were the only changes she has made on the property.

7. Petitioner submitted a revised site plan to demonstrate the rear deck. Exh. 15.

#### 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

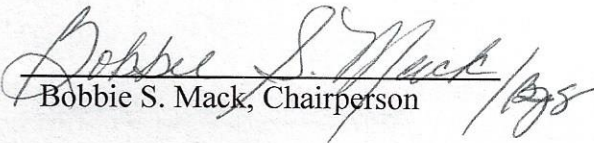
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the existing lot being deficient in width and square footage, the date of subdivision, the footprint of the overhang will be same as the existing 6' x 12' concrete porch, the desire for front yard protection from the weather, the desire to enhance the esthetics of the property 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, 6 feet front yard depth, 1-foot right side yard width, 1-foot left side yard width, 2 feet rear lot line setback for an accessory building (shed) and 14.8% net lot coverage in order to validate existing conditions (net lot area, front building line width, front yard depth, side yard width for an accessory building, and lot coverage) and obtain a building permit for a front porch on the property located at 622 Hedgeleaf Avenue, Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 15 and approved elevation plans, Exhibits 3 (a) thru (b).

BOARD OF ZONING APPEALS

By:

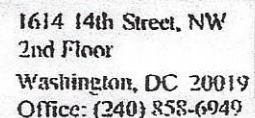
  
Bobbie S. Mack, Chairperson

**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:

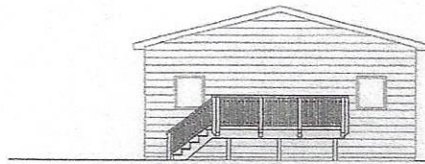
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.



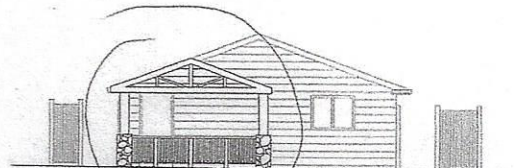
# BOARD OF APPEALS

APPROVED FEB 24 2021

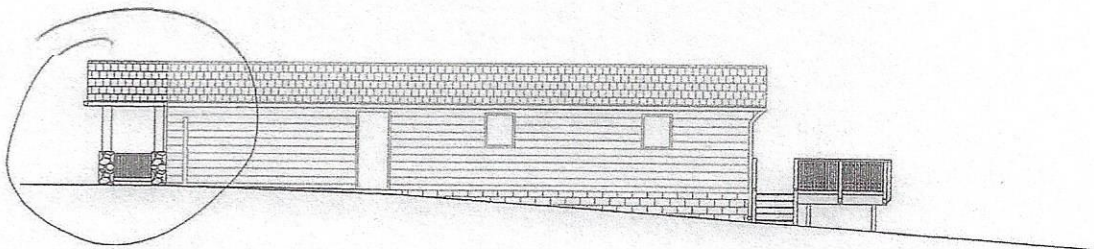
*[Signature]*  
ADMINISTRATOR



BACK ELEVATION



FRONT ELEVATION



SIDE ELEVATION

(a)

ALL DIMENSIONS AND SIZE DESIGNATIONS GIVEN ARE SUBJECT TO VERIFICATION ON JOB SITE AND ADJUSTMENT TO FIT JOB CONDITIONS.



DESIGN PLANS ARE PROVIDED FOR THE FAIR USE BY THE CLIENT OR HIS AGENT IN COMPLETING THE PROJECT AS LISTED WITHIN THE CONTRACT. DESIGN PLANS REMAIN THE PROPERTY OF THIS FIRM AND CAN NOT BE USED OR REUSED WITHOUT PERMISSION.

DESIGNED FOR:

HARRIS EXTERIOR

BY:

AKJONES DESIGN

DWG.	DATE	BY
	3/12/20	AKJ

SCALE: 1/8" = 1'0"

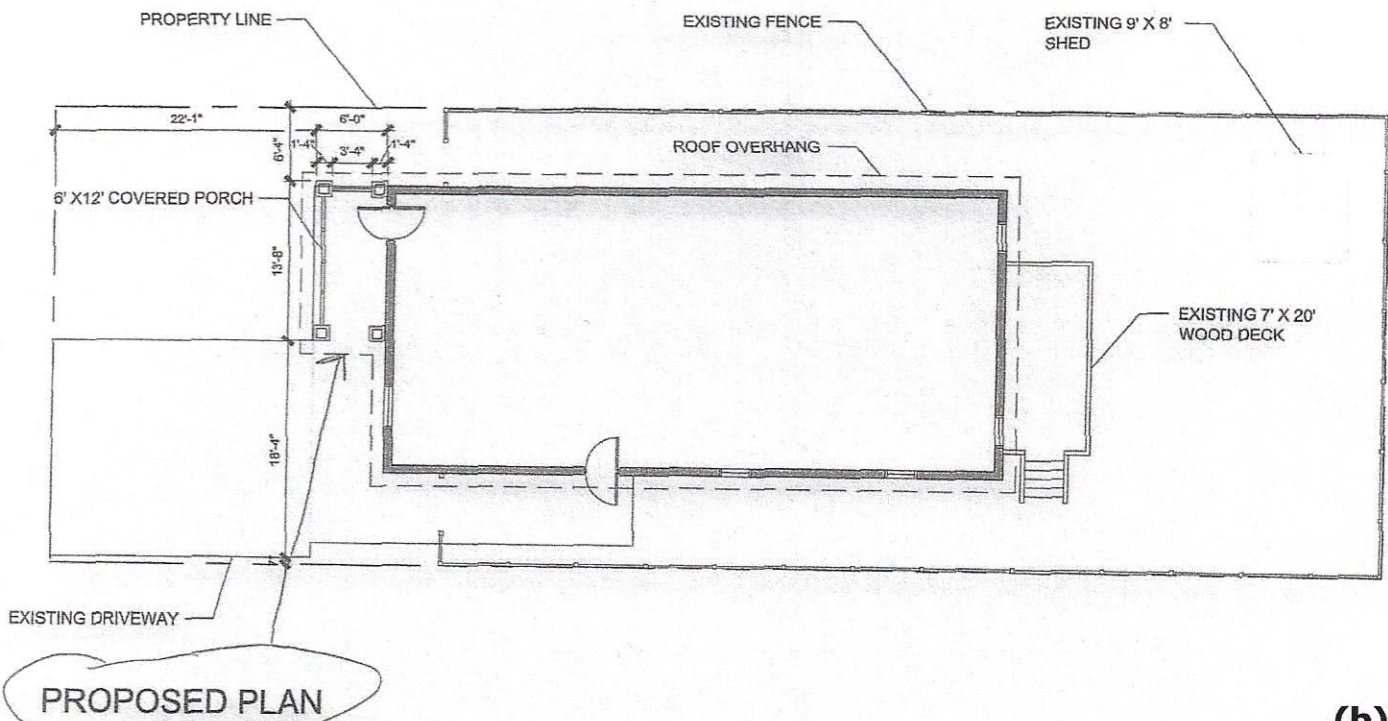
DWG NO. 2 of 2

EXH. # 3(a-b)  
V-69-20

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APPROVED FEB 24 2021

*[Signature]*  
ADMINISTRATOR



(b)

ALL DIMENSIONS AND SIZE DESIGNATIONS GIVEN ARE SUBJECT TO VERIFICATION ON JOB SITE AND ADJUSTMENT TO FIT JOB CONDITIONS.



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BY:

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DESIGN

DWG	DATE	BY
	3/12/20	AMJ

SCALE:  
1/8" = 1'0"

DWG NO.  
**2**  
of 4