

***4BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND***  
***Sitting as the Board of Zoning Appeals***

Petitioner: Pauline Burton

Appeal No.: V-114-19

Subject Property: Lots 23, 24 and 25, Block 47, Greater Capitol Heights Subdivision, being 1217 Nova Avenue, Capitol Heights, Prince George's County, Maryland

Witnesses: Johnnie Sudds, Petitioner's Husband

Jhon Diaz, Designer

Heard and Decided: November 20, 2019

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 variances from Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Section 27-120.01(c) which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate an existing condition (dwelling) and obtain a building permit for a proposed construction of one-story addition. Variances of 4.3% net lot coverage and a waiver of the parking area location requirement are requested.

**Evidence Presented**

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

1. The property was subdivided in 1909, contains 6,000 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. Petitioner would like to add an addition on the left side of the existing dwelling which increases lot coverage. Petitioner is also removing a portion of an existing second driveway. Even with the removal of a portion of the driveway, lot coverage remains over the allowable maximum requirement. A variance of 4.3% net lot coverage is requested. In addition, because the existing driveway which is located on the right side of the property in front of the dwelling, a waiver of the parking area location is requested. Exhs. 2, 3 and 5 (A) thru (F).
3. Petitioner Pauline Burton stated that she has resided in this very small house for 34 years. She stated that it does not have a dining room, and the kitchen and closets are very small. The proposed addition will enlarge space in her bedroom and in her closet. She stated that she would prefer a one-story house instead of building a second story. Exhs. 2, 3 and 5 (A) thru (F).

4. Jhon Diaz testified that the existing house is very small at 1,000 square feet and the proposed addition (11' x 35') will be along the length of the left side of the house. The addition will add a larger dining room and master bedroom with bath. Exhs. 2, 3 and 5 (A) thru (F).

5. Mr. Diaz further stated that the existing driveway on the left side of the house will be partially removed to stop at the gate in the front yard. Exhs. 2, 3 and 5 (A) thru (F).

#### 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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the size of the dwelling, the need for additional living area, 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 4.3% net lot coverage and a waiver of the parking area location requirement in order to validate an existing condition (dwelling) and obtain a building permit for a proposed construction of one-story addition on the property located at 1217 Nova 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 site plan, Exhibit 2 and approved elevation plan, Exhibit 3.

#### BOARD OF ZONING APPEALS

By: \_\_\_\_\_  
( ORIGINAL SIGNED)  
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.