

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

Petitioners: Gregory and Valerie Pines

Appeal No.: V-149-19

Subject Property: Lots 4 thru 6, Block 44, Bradbury Heights Subdivision, being 4214 Urn Street, Capito Heights, Prince George's County, Maryland

Heard: January 22, 2020; Decided: February 19, 2020

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Albert C. Scott, Vice Chairman

**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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 7 feet in width. 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. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard. Petitioners propose to validate existing conditions (front yard and side yard) and obtain a building permit for the construction of a proposed shed. Variances of 4.5 feet front yard depth, 3 feet side yard width, 6.1% net lot coverage, 13 feet front street line setback and a waiver of the rear yard location requirement for an accessory building 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, addition, deck and driveway. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (G).

2. Petitioners would like to construct a proposed shed in the (right) side yard of the subject property. Due to an existing front porch encroaching the front yard setback, a variance of 4.5 feet front yard is requested. In addition, because the dwelling was built in 1936 and not meeting the current zoning code, a variance of 3 feet side yard setback is requested. With the addition of the shed, variances of 6.1% net lot coverage, 13 feet front street line setback and a waiver of the rear yard location are requested for the accessory building.<sup>1</sup> Exhs. 2, 3, 5 (A) thru (B) and 6 (A) thru (F).

3. Petitioner Gregory Pines testified that his basement is currently being used as a storage area. Having two sons who both are mechanics (and himself) with lots of tools and equipment, the shed would

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<sup>1</sup> Petitioner submitted a revised site plan moving the shed toward the rear property line, thereby eliminating the need for the variance of 13 feet front street line setback and the waiver of the rear yard location requirement for an accessory building. Exh. 19.



serve as a storage area in order to free up the basement for living space for one of his sons. Exhs. 2, 3, 5 (A) thru (B) and 6 (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 need to validate existing structures from 1930, the need for additional living area within the dwelling, 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 4.5 feet front yard depth, 3 feet side yard width, 6.1% net lot coverage in order to validate existing conditions (front yard and side yard) and obtain a building permit for the construction of a proposed shed on the property located at 4214 Urn Street, 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 19 and approved elevation plan, Exhibit. 3.

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.