



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

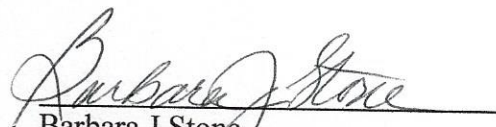
OF BOARD OF APPEALS

RE: Case No. V-168-19 Bright Horizon Ventures, 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: September 9, 2020

CERTIFICATE OF SERVICE

This is to certify that on November 9, 2020, 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: Bright Horizon Ventures, LLC

Appeal No.: V-168-19

Subject Property: Lot 3, Block 1, West Fairmount Subdivision, being 831 Eastern Avenue, Capitol Heights, Prince George's County, Maryland

Municipality: Town of Fairmount Heights

Counsel for Petitioner: Andre Gingles, Law Offices

Witness: Carri Cowen, Managing Member, Bright Horizon Ventures, LLC

Heard and Decided: September 9, 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 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(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(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to validate existing conditions (lot size, front yard depth, lot coverage and side yard width) and obtain a building permit for the unauthorized construction of the extension driveway. Variances of 13 feet front yard depth, 4.9% net lot coverage and 7 feet side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1911, contains 5,200 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling, driveway and unauthorized driveway extension and covered porch. Exhibits (Exhs.) 2, 3 and 9 (A) thru (G).
2. The property is rectangular in shape and is only 45 feet in width. Exhs. 2 and 3.
3. Petitioner would like to obtain a building permit for the unauthorized construction of the driveway extension. Variances of 13 feet front yard depth, 4.9% net lot coverage and 7 feet side yard width are requested. Exhs. 3, 4 (A) thru (M), 7, 9 (A) thru (G) and 13.
4. Attorney Andre Gingles stated the Petitioner has made improvements and enhancements to the property, including adding a driveway extension at end of an elongated driveway and walkway to the rear entrance of the dwelling. However, with the extension of the driveway, the lot coverage was exceeded by 4.9%. Petitioner is unable to obtain a use and occupancy permit for the rental property until the variances are obtained. Mr. Gingles stated that the lot is very narrow.

5. Mr. Gingles further stated that the dwelling had been positioned to the far west side of the property (one foot from the side yard) which does not meet the current side yard setback. He believed that the improvements to the property does not impair the Master Plan and the driveway is not out of character for the neighborhood. Exhs. 2 and 11.

6. Ms. Carri Cowen stated that the property had been abandoned, is used as a dumping ground and was in a state of disrepair. She opined that obtaining an occupant for the dwelling would cease the dumping of trash on the property. She further stated that the exterior work included repaving the entire driveway in concrete. Exhs. 2 and 4(A) thru (M).

7. Fairmont Heights approved the driveway extension. 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 exceptionally narrow in shape, the pre-existence of an elongated driveway, the need for off-street parking, access to the rear entrance of 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, unanimously, that variances of 13 feet front yard depth, 4.9% net lot coverage and 7 feet side yard width in order to validate existing conditions (lot size, front yard depth and lot coverage) and obtain a building permit for the unauthorized construction of the driveway extension on the property located at 831 Eastern 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.

BOARD OF ZONING APPEALS

By: 
Bobbie S. Mack, Chairperson

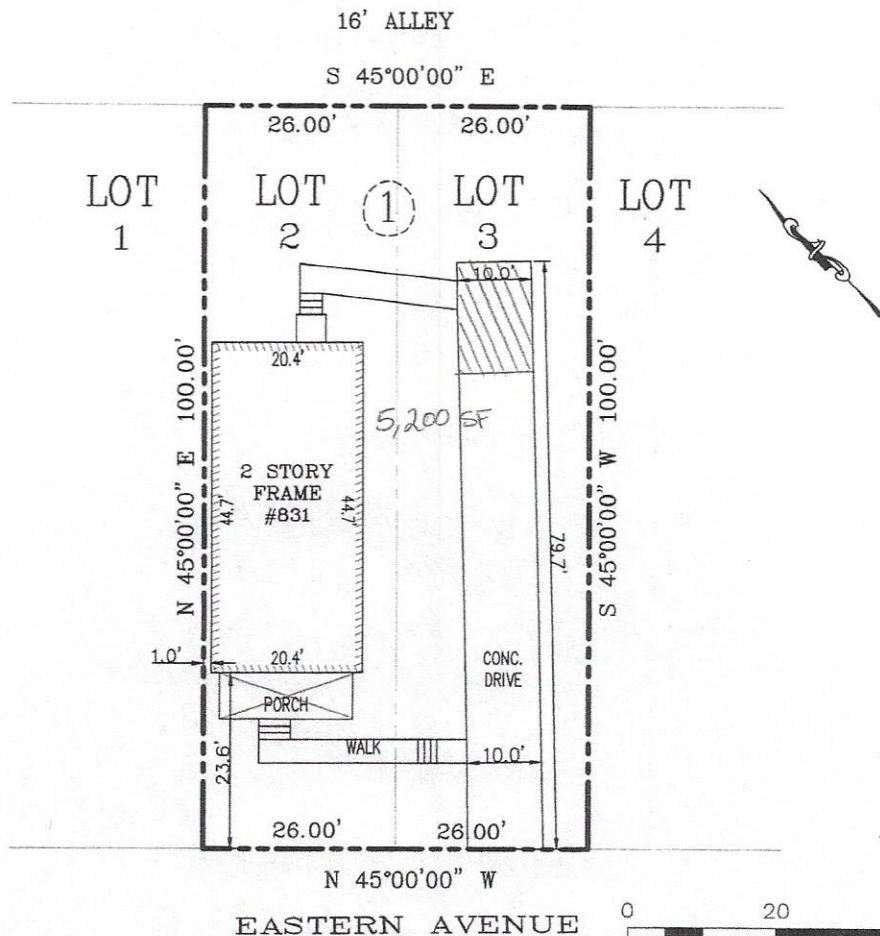
NOTICE

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.

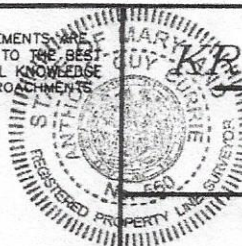
ADDRESS: 831 EASTERN AVENUE
CAPITOL HEIGHTS, MD. 20743



NOTES:
1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.

FILE: # 831 EASTERN AVE.

I HEREBY CERTIFY THAT IMPROVEMENTS ARE LOCATED AS SHOWN HEREON AND TO THE BEST OF MY INFORMATION, PROFESSIONAL KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN.



KRIS CONSULTANTS, LLC

301 PIPING ROCK DRIVE, SILVER SPRING, MD. 20905

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LOCATION DRAWING

LOTS 2 & 3 BLOCK 1

BRYN MAWR, WEST FAIRMOUNT HEIGHTS

PLAT BOOK 2 PAGE 51

PRINCE GEORGES COUNTY, MARYLAND

SCALE: 1" = 20'

DATE: 11-27-2019

SURVEYOR

11/27/19
DATE

EXH. 2
V-168-19

BOARD OF APPEALS

APPROVED SEP 9 2020

ADMINISTRATOR