

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

Petitioner: Althea Spriggs

Appeal No.: V-84-18

Subject Property: Lot 5, Block A, Jefferson Heights Subdivision, being 808 Minna Avenue, Capitol Heights,
Prince George's County, Maryland

Heard and Decided: September 12, 2018

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 variances from Section 27-442(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate an existing condition (development) and construct a canopy. A variance of an additional 2.2% net lot coverage is requested.

Evidence Presented

1. The property was subdivided in 1938, contains 5,695 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The existing dwelling was built in 1937. The property narrows from front to rear. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. Petitioner would like to construct a 10' x 12' metal canopy next to the driveway in the rear of the property. As the existing development exceeds the amount of lot coverage allowed¹, and construction of the canopy would be further overage, a variance of an additional 2.2% net lot coverage was requested. Exhs. 2, 3 (a) thru (c), 5 (A) thru (F) and 12.

3. Petitioner Althea Spriggs testified that both parents are confined to wheelchairs, use the back yard for recreational enjoyment and the canopy will provide protection from the weather. Exhs. 2, 3 (a) thru (c) 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

¹ The Board previously approved variances affecting net lot coverage (Appeal No. V-102-16) for the subject property. Exh. 6.

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 subdivided in 1938, the narrowing of the property from front to rear, the existing conditions of the property, the canopy being used for recreational benefit for disabled parents, the proposed canopy providing cover from the weather 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 a variance of an additional 2.2% net lot coverage in order to validate an existing condition (development) and construct a 10' x 12' metal canopy on the property located at Lot 5, Block A, Jefferson Heights Subdivision, being 808 Minna Avenue, Capitol Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (c).

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.