

*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-5-14 Virginia Nabinett

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 26, 2014.

**CERTIFICATE OF SERVICE**

This is to certify that on March 10, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Anne F. Carter  
Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
City of District Heights

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

Petitioner: Virginia Nabinett

Appeal No.: V-5-14

Subject Property: Lot 18, Block 58, District Heights Subdivision, being 6940 Halleck Street, District Heights, Prince George's County, Maryland

Municipality: City of District Heights

Witnesses: Rodney Nabinett, Sr.

Michelle Watkins, Code Enforcement, City of District Heights

Heard and Decided: February 26, 2014

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) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth, and 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. Petitioner proposes to construct a covered front porch and one-story addition. Variances of 4 feet front yard depth and 3.9% net lot coverage are requested.

**Evidence Presented**

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

1. The property was subdivided in 1947, contains 6,300 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, detached garage and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 1952. Exhs. 7 and 8.
2. The property has a sharply-angled rear property line and the left side of the rear yard is deeper than the right side. Exh. 2.
3. Petitioner would like to construct a 5' x 18' covered front porch to replace an existing 4.1' x 4.9' covered front stoop and a 15' x 22' one-story addition on the rear of the existing dwelling. Exh. 2. Variances must be approved in order to obtain a building permit. Since the covered front porch would be located only 21 feet from the front street line and construction of the porch and addition would cause the allowed amount of net lot coverage to be exceeded, variances of 4 feet front yard depth and 3.9% net lot coverage were requested. Exhs. 10 and 11.

4. Petitioner testified that additional living space is needed and the one-story addition that is proposed would be built on the rear of the house. She explained that she currently has a laundry room on the back of the house that can only be entered from outside the house. Exhs. 5(B) and (C), 18(F). She stated that the house is small and currently has three bedrooms and one bath. She further stated that since the

kitchen is not large enough for the family to eat together, they plan to take out a wall to enlarge that area as well as have inside access to the laundry room. She explained that the exterior of the addition will have siding, the deck on the rear would remain (Exh. 18(F)) and there will be doors from the house to the deck and to the driveway.

5. Petitioner stated that the covered front porch would extend over only a portion of the front of the house and no windows will be moved or removed. Exhs. 3(a), 5(A), 18(A), (C), (D) and (E).

6. Petitioner further testified that the shed in the left rear corner of the property will be removed.

7. Michelle Watkins testified that the City of District Heights had no objection to Petitioner's request because the addition and porch will improve the appearance of the home and be consistent with similar improvements done to other houses on that block.

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

Due to the single-family dwelling being built many years ago, the current need for additional living space, the suitability and desire for indoor access to existing laundry facilities, consistency with similar improvements to other houses on that block, an existing shed being removed from 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 4 feet front yard depth and 3.9% net lot coverage in order to construct a 5' x 18' covered front porch and 15' x 22' one-story addition on the property located at Lot 18, Block 58, District Heights Subdivision, being 6940 Halleck Street, District 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 the approved elevation plans, Exhibits 3(a) and (b).

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.