

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

RE: Case No. V-57-13 Shabbir Hussain

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: August 21, 2013.

**CERTIFICATE OF SERVICE**

This is to certify that on September 11, 2013, 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  
Town of Berwyn Heights

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

Petitioner: Shabbir Hussain

Appeal No.: V-57-13

Subject Property: Lot 8, Block B, College Knolls Subdivision, being 7602 Charlton Avenue, College Park,  
Prince George's County, Maryland

Municipality: Town of Berwyn Heights

Witnesses: Seba Ejaz

    Ines Barrett, neighbor

Heard and Decided: August 21, 2013

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 a variance 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. Petitioner proposes to validate existing conditions and obtain a building permit for a shed. A variance of 2.8% net lot coverage is requested.

**Evidence Presented**

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

1. The property was subdivided in 1960, contains 7,700 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 and 8. The existing single-family dwelling was built in 1961. Exhs. 7 and 8.

2. The property is located within the municipal limits of the Town of Berwyn Heights ("Town"). Exhs. 7 and 8.

3. The property slopes downward from the street. Exhs. 3, 5(D) and (F) through (I), 15 (attachment).

4. Petitioner would like to obtain a permit for a new 12' x 16' shed in the rear yard. Since the maximum amount of allowed net lot coverage is exceeded by existing development on the property, a variance of 2.8% net lot coverage was requested. Exhs. 11 and 12.

5. Petitioner testified that he had a small shed on which tree branches fell, he cleared the debris and recently built a bigger shed in the same spot to use as storage for his large family. He stated that the Town informed him that a permit was required for the shed.

6. Petitioner further testified that he has lived at the property for 13 years.

7. Ines Barrett, owner of adjoining property on one side of the subject lot, testified that the new shed is more visible from her yard than the previous shed because of the removal of tree branches that previously blocked the view and expressed concern about how close the shed is to the property line. She also expressed her disapproval of the open area under the shed.

8. Petitioner agreed to enclose the open area under the shed.

9. The Town recommended approval of the variance. 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 sloping topography of the property( see comment above), the previous shed being damaged by falling tree branches, the larger replacement shed being built in the same location as the previous shed, the larger shed providing more storage space for Petitioner's large family, 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 2.8% net lot coverage in order to validate existing conditions and obtain a building permit for a 12' x 16' shed on the property located at Lot 8, Block B, College Knolls Subdivision, being 7602 Charlton Avenue, College Park, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the 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

