



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-54-23 Sherry Powell

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: November 29, 2023

CERTIFICATE OF SERVICE

This is to certify that on February 14, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature of Barbara J. Stone is written over a horizontal line.

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: Sherry Powell

Appeal No.: V-54-23

Subject Property: Lots 37 and 38, Lots 40, 41, 42 and P/O Lot 39, Boulevard Heights Subdivision, Block 16,
being 4117 Will Street, Capitol Heights, Prince George's County, Maryland

Witness: Bashir Amadi, Structural Engineer

Heard: October 11, 2023; Decided: November 29, 2023

Board Members Present and Voting: Bobbie S. Mack, Chair¹

Carl Isler, Acting Vice Chairman

Renee Alston, Member

Teia Hill, Member

Board Members Absent: 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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-4202(e)(3) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-4202(e)(4) prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioner proposes to validate existing conditions (side yard and rear yard) and obtain a building permit for the proposed one-story addition (10.6' x 12.8'). Variances of 5.5 feet right side yard width, and 17.2 feet rear yard depth/width are requested.

Evidence Presented

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

1. The property was subdivided in 1905, contains 8,000 square feet, is zoned RSF-65 (Residential, Single-Family - 65), and is improved with a single-family dwelling, and gravel driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject property is square in shape and located on a corner lot. The legal front yard is considered abutting Will Street. The legal side street abuts Billings Avenue. The dwelling is located in the rear right corner of the lot. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioner proposes to validate existing conditions (side yard and rear yard) and obtain a building permit for the proposed one-story addition (10.6' x 12.8'). Variances of 5.5 feet right side yard width, and 17.2 feet rear yard depth/width are requested. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

4. Petitioner Sherry Powell testified that she wishes to add an addition to the right side of the house that actually is a 1 1/2 story home. The house currently is in an "L" shape. The addition will square off the house. This will be a bedroom area. She further stated the home was built in 1936, and she purchased the property sixteen (16) years ago. There has been no work done on the house as of yet. Exhs. 2, 3 (A) thru (B), and 5 (A) thru (G).

¹ Board Members Mack, Isler, Alston, and Hill were present and voting at the final disposition of this case on November 29, 2023.

5. Case reviewer Olga Antelo Vasquez noted that the application states the Petitioner is requesting an extension of the "L" shaped house that is 1½ story house. Ms. Mitchell is speaking of a 2-story house and the elevation are indicating a 2-story house. Administrator Stone responded that the site plan and elevations must be consistent, and the application must indicate the actual proposed work. It may be necessary to either revise the elevations to show the existing versus the proposed elevations, or have the engineer attend the next meeting to clarify the intent of the work. Exhs. 2, 3 (A) thru (B), and 5 (A) thru (G).

6. Petitioner explained that the house is currently an "A"- frame house. The proposed work will square off the footprint of the house and open up the "A"- frame roof line. The proposed work will not increase the height of the current house. Exhs. 2, 3 (A) thru (B), and 5 (A) thru (G).

7. Petitioner further explained that the current home is only 873 square feet. An additional living area is needed for her children.

A motion to continue has been made in order to include testimony from the engineer and the submission of a revised site plan and application. Motion carried 3/0.

On November 29, 2023, this case was reheard with a motion to adopt the testimony from the October 11, 2023, hearing. The motion carried 4/0.

1. Ms. Olga Antelo Vasquez noted that the Petitioner submitted a revised application and a revised site plan. The site plan needed to specify the proposed number of stories. Exhs. 17 and 18 respectively.

2. Ms. Mitchell confirmed that the addition squaring off the house will be a two-story portion. Then the remaining existing house will become a full two-story home. Exhs. 3 (A) thru (B) and 18.

3. Mr. Bashir Amandi testified the house has a basement, then the first floor is "L" shaped. Above the "L" shaped first story there is an existing ½ story shaped as an "A"- frame. The proposed new construction will include removing a portion of the "A"- frame at the longer "L" shape and adding a second story. In addition, where there is currently no building, the new structure from ground to the second floor will be added. Behind the addition the house is not altered. Exhs. 3 (A) thru (B) and 18.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features).
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and

(6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

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 27-3613(d), more specifically:

Due to the home being built in 1936 before the adoption of the Prince George's County Zoning Ordinance and being an insufficient size for the Petitioner's needs, the need to validate existing conditions, the need for additional living area 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 as the square shape and the property being located on a corner lot and the addition to the Petitioner's property is the minimum reasonably necessary variance to overcome these physical conditions. Further, no testimony was presented to indicate that granting this variance would substantially impair the use and enjoyment of adjacent properties. Lastly, due to the house being constructed in 1936 at its current size and on its current lot, the practical difficulty was not self-inflicted by the Petitioner.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Johnson absent, that variances of 5.5 feet right side yard width, and 17.2 feet rear yard depth/width are requested in order to validate existing conditions (side yard and rear yard) and obtain a building permit for the proposed one-story addition (10.6' x 12.8') on the property located at 4117 Will Street, Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved revised site plan, Exhibit 18 and approved elevation plans, Exhibits 3 (A) thru (B).

BOARD OF ZONING APPEALS

Bobbie S. Mack
By: _____
Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

Ellis Watson
By: _____
Ellis Watson, Esq.

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 27-3613 (c)(10)(B) 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.

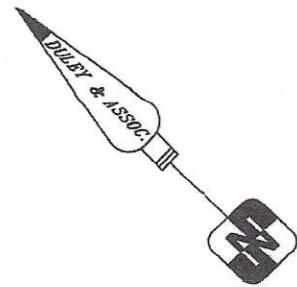
Signature: Ellis F. Watson
Ellis F. Watson (Feb 5, 2024 14:13 EST)

Email: efwatson@co.pg.md.us

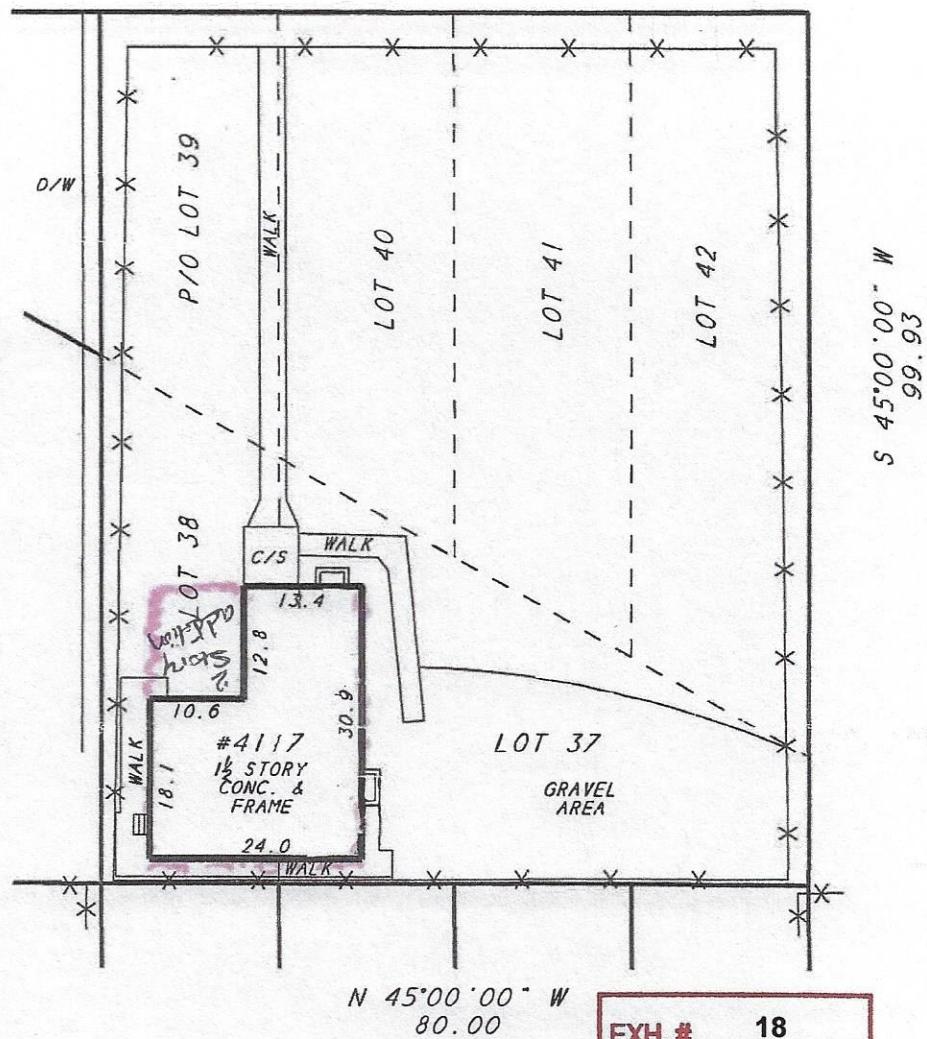
NOTE:
* ENTRAILMENTS MAY EXIST *
A BOUNDARY SURVEY IS RECOMMENDED
TO DETERMINE THE EXACT LOCATION
OF IMPROVEMENTS. PLEASE SIGN:

WILL STREET

S 45°00'00" E
80.00



1/2 story made into
Second story
Addition added to
existing structure \$ 4500.00 - W
99.93



BILLINGS AVENUE

BOARD OF APPEALS

FOR SURVEY ORDER/ APPROVAL FORMS, PRICES & MORE VISIT US AT WWW.DULLETTZ.COM

APPROVED NOV 29 2023

ADMINISTRATOR

