



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-40-23 Janie Pratt-Godbolt

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: January 24, 2023

CERTIFICATE OF SERVICE

This is to certify that on March 18, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone", is placed 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: Janie Ford Pratt-Godbolt

Appeal No.: V-40-23

Subject Property: Lot 17, Block 2, Pleasant Hills Subdivision, being 6904 Avon Street, Capitol Heights, Prince George's County, Maryland.

Municipality: City of Seat Pleasant

Heard: September 13, 2023; Decided: January 24, 2024

Board Members Present and Voting¹: Bobbie S. Mack, Chairperson
Carl Isler, Vice Chairman
Anastasia T. Johnson, Member
Renee Alston, Member
Teia Hill, 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 27-3303 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-4202(e) which prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-4202(e)(1) which prescribes that a lot shall have a minimum width of 65 feet at the building line. Section 27-4202(e)(2) which prescribes that each lot shall have a front yard a minimum of 25 feet in depth. Section 27-4202(e)(3) prescribes that each lot shall have a side yard at least 8 feet in width. The petitioner proposes permission to validate existing conditions (net lot area, lot width at the building line, front yard, and side yard) and obtain a building permit for the proposed one-story addition (8.7' x 10'). Variances of 935 square feet net lot area, 12 feet lot width at the building line, 1-foot front yard depth, and 5 feet left side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1917 prior to the adoption of the Prince George's County Zoning Ordinance, contains 5,975 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling, and one-story addition. The property is located in an established community that contains a cluster of other properties with narrow and small lots. Exhibits (Exhs.) 2, 4, 7, 8, and 9 (A) thru (H).
2. The subject lot is located within the City of Seat Pleasant. There is no Homeowners Association for this community. Exh. 7.
3. The Petitioner proposes permission to validate existing conditions (net lot area, lot width at the building line, front yard, and side yard) and obtain a building permit for the proposed one-story addition

¹ September 13, 2023, Members Present: Isler, Alston, and Hill
October 25, 2023, Members Present: Mack, Isler, and Alston
January 24, 2024, Members Present: Mack, Isler, Alston, and Hill

(8.7' x 10'). Variances of 935 square feet net lot area, 12 feet lot width at the building line, 1-foot front yard depth, and 5 feet left side yard width are requested. Exhs. 2, 4, 7, 8, and 9 (A) thru (H).

4. Petitioner Janie Pratt-Godbolt testified that the addition is needed for a larger kitchen so that her family can dine in the kitchen. Ms. Pratt-Godbolt noted that the house is not suitable for her family due to its size and being built in 1943 on a small and narrow lot. She purchased the property thirteen (13) years ago. Exhs. 2, 3, and 7.

5. Vice Chair Isler questioned the Petitioner regarding the door on the bump out. Ms. Pratt-Godbolt explained that the door that is currently in the sunroom will be removed as the addition will be constructed at that location. There is another door on the back side of the sunroom. Exhs. 2 and 3 (A) thru (B).

6. Board Member Alston questioned Exhibit 5(B) she can see the brick chimney and the wall looks to be already removed; has the work started? Ms. Pratt-Godbolt explained that no, there was a fire (9108-2005) in the kitchen and instead of repairing the exterior wall, they are waiting for the variance to be processed in order to apply for the permit to expand the kitchen. Exhs. 2, 3, 5 (A) thru (H) and 6.

7. Vice Chair Isler questioned if the Petitioner has contacted the City of Seat Pleasant. Ms. Pratt-Godbolt stated she was unaware that she needed to contact the city. Case review, Olga Antelo Vasquez noted that staff has contacted the City and the Board is waiting for the City's response. Exh. 16.

A motion was made by Vice Chair Isler to hold the record open for comments from the City of Seat Pleasant. A second was made by Board Member Alston. Motion carried 3/0. (Isler, Alston, and Hill)

On October 25, 2023, this case was heard as a Discussion/Decision item. A motion was made to continue this item until December 13, 2023, awaiting comments from the City of Seat Pleasant. Seconded by Vice Chair Isler. Motion carried 4/0. (Mack, Isler, Alston, and Hill)

The record was rescheduled administratively awaiting the City of Seat Pleasant comments which were not received at the December 13, 2023, date. The record was rescheduled to January 24, 2024.

On January 24, 2024, the record was re-heard as it was continued on October 25, 2023.

1. Madam Chair noted that a letter from the City of Seat Pleasant stating the variances was approved on November 6, 2023, by the Seat Please City Council.

Madam Chair made a motion to adopt the testimony from September 13, 2023, and October 25, 2023. A second was made by Vice Chair Isler. Motion carried 3/0. (Mack, Isler, and Alston.)

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

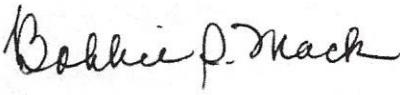
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the need to validate existing conditions, the house being built in 1943, prior to the adoption of the Prince George's County Ordinance, and not being suitable to accommodate the family, a fire destroying the kitchen area and exterior wall, the need for additional square footage for the kitchen and the character of the neighborhood that when subdivided allowed for a cluster of small and narrow lots, 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. No evidence was presented in the record indicating granting this variance would substantially impair the use and enjoyment of adjacent properties. The Petitioner practical difficulty was not self-inflicted as a fire occurred rendering a significant portion of the property unusable.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Hill absent, that variances of 935 square feet net lot area, 12 feet lot width at the building line, 1-foot front yard depth, and 5 feet left side yard width in order to validate existing conditions (net lot area, lot width at the building line, front yard, and side yard) and obtain a building permit for the proposed one-story addition (8.7' x 10') on the property located at 6904 Avon Street, Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2, and approved elevation plans, Exhibits 3 (A) thru (B).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By:


Ellis Watson
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.

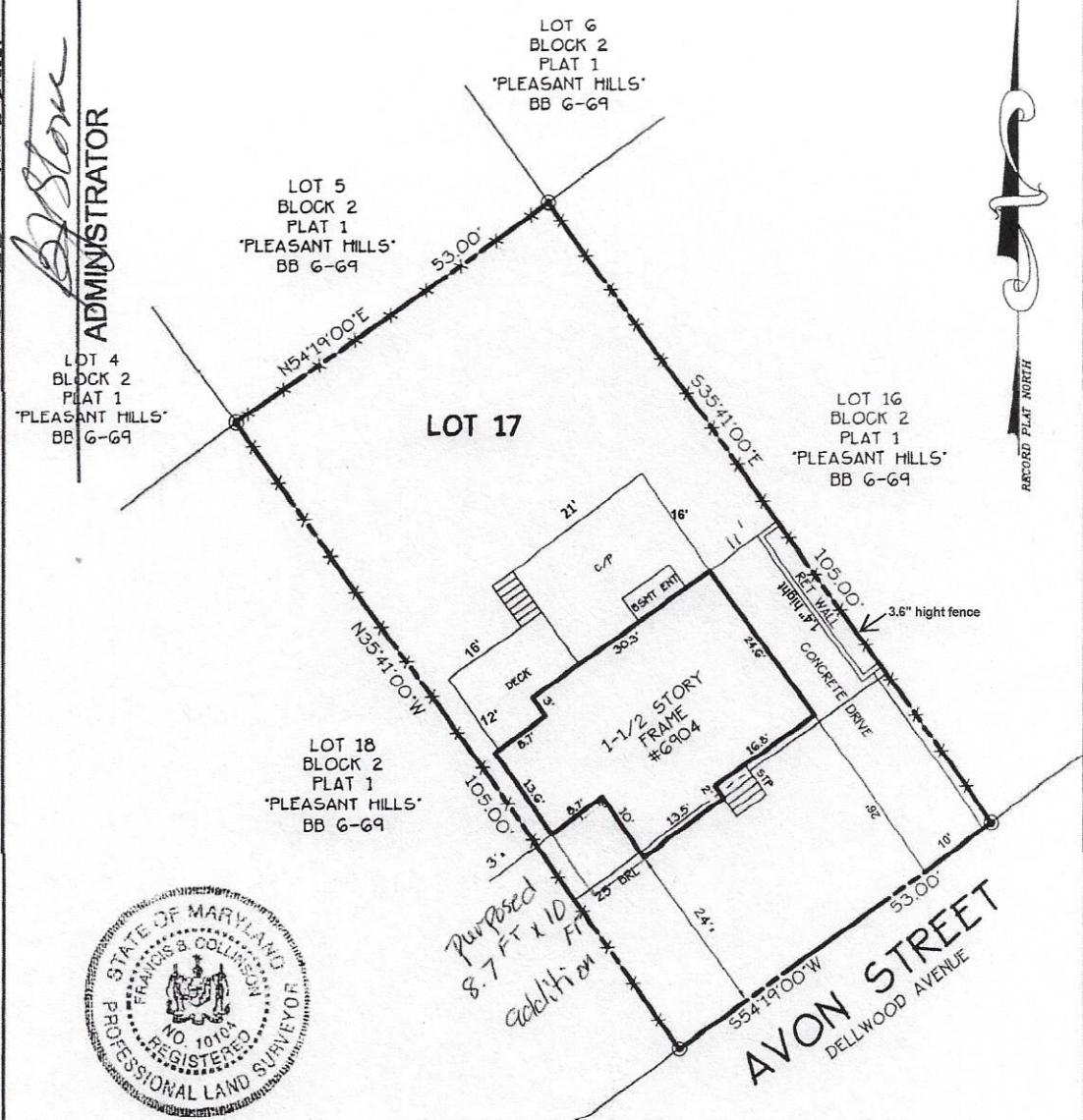
Signature: Ellis F. Watson
Ellis F. Watson (Mar 18, 2024 12:09 EDT)

Email: efwatson@co.pg.md.us

BOARD OF APPEALS

APPROVED JAN 24, 2004

By B. Blom
ADMINISTRATOR



I hereby certify that the improvements shown hereon, to the best of my professional knowledge and ability, have been located by a transit, tape or total-station survey.

J. B. Blom
FRANCIS B. COLLINSON PLS #10104 10/13/2009

6904 AVON STREET BB 6-69

LOCATION DRAWING LOT 17 BLOCK 2 PLAT 1

ATTENTION USER: SURVEY ORDER MUST BE ON FILE WITH ADVANCED SURVEYS BEFORE THIS DOCUMENT CAN BE USED.



PLEASANT HILLS
EIGHTEENTH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1' = 20' PROJECT #26599
FILE #PG 2471 CAD FILENAME: PLEASANTHILLS-F1-D2-L17
DRAWN BY: JMS

EXH. # 2
V-40-23

Established 1975
3140 West Ward Road Suite 103
Dunkirk, Maryland 20754
Ph: 410-286-9712 Fax: 410-286-9716
Toll-Free: 1-800-235-4681

CHECKED BY: *SB*

ADDITIONAL NOTES

- 1) This plat is of benefit to a consumer only insofar as it is required by a lender or title insurance company or its agent in connection with contemplated transfer, financing or refinancing.
- 2) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements;
- 3) This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.
- 4) The level of accuracy of apparent setback distances is within 3 feet +/-.
- 5) The subject property falls in flood zone "C" as shown on the flood hazard boundary map 24520B 0040C dated 6/18/1987.
- 6) This is not a boundary survey or lot stakingout. No title research furnished to or done by this office.
- 7) This plat shows the principal structure and significant structures (close to the apparent property lines) as required by Maryland law. However, additional internal structures may not be shown.
- 8) Fences shown as — x — are approximate only. The exact location of fences and boundary lines can be accomplished with a boundary survey.
- 9) The licensee either personally prepared this drawing or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of Chapter 06 Minimum Standards of Practice.
- 10) The source of data, bearings, and/or coordinates used on this drawing are based on the record plat or deed referenced: BB 6-69

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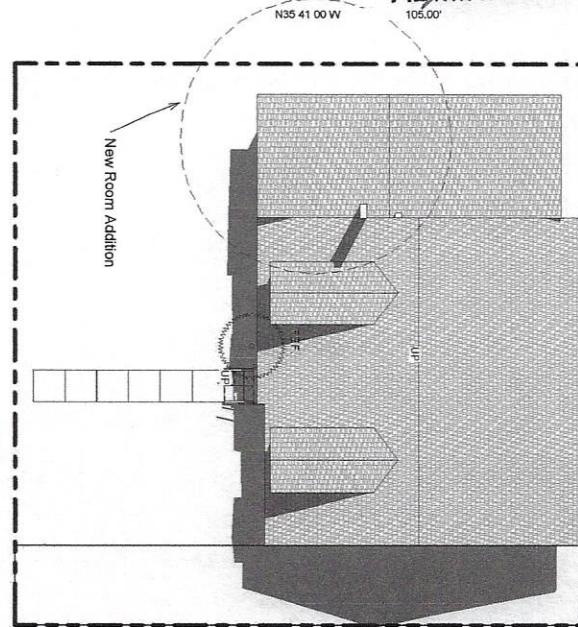
APPROVED JAN 24 2024

B. J. Stone
ADMINISTRATOR

2 Site Plan

scale: 1/8" = 1'-0"

SS4 19.00 W 55° AVON STREET



3(A)

Existing House



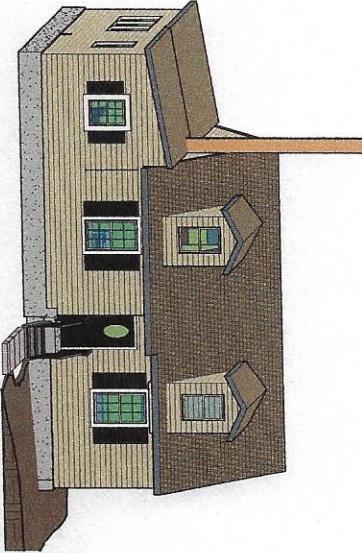
EXH. # 3(A-B)
V-40-23

Project number	Project Number
Date	8/9/4 Avon St
Drawn by	Author
Checked by	Checker
A-1	
1/8" = 1'-0"	

2/26/2023 4:52:19 PM

1 Isometric of New Room Addition

scale:



Tracey
Johnson-
Butler
Architect,
Assoc. AIA,
Msc.

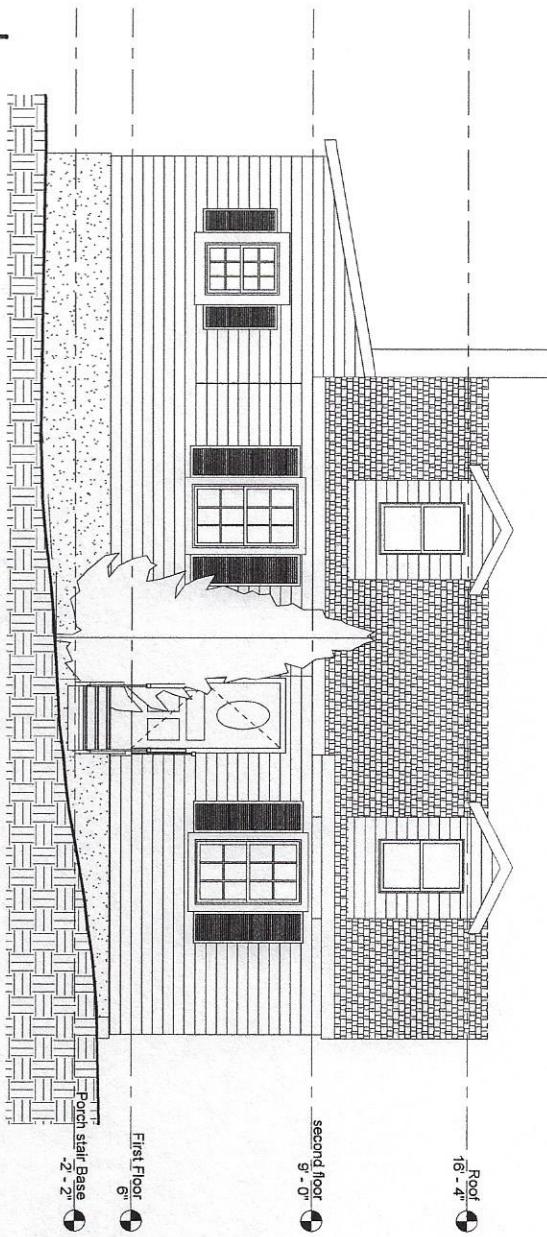
Ezra Enterprises,
LLC

BOARD OF APPEALS

APPROVED

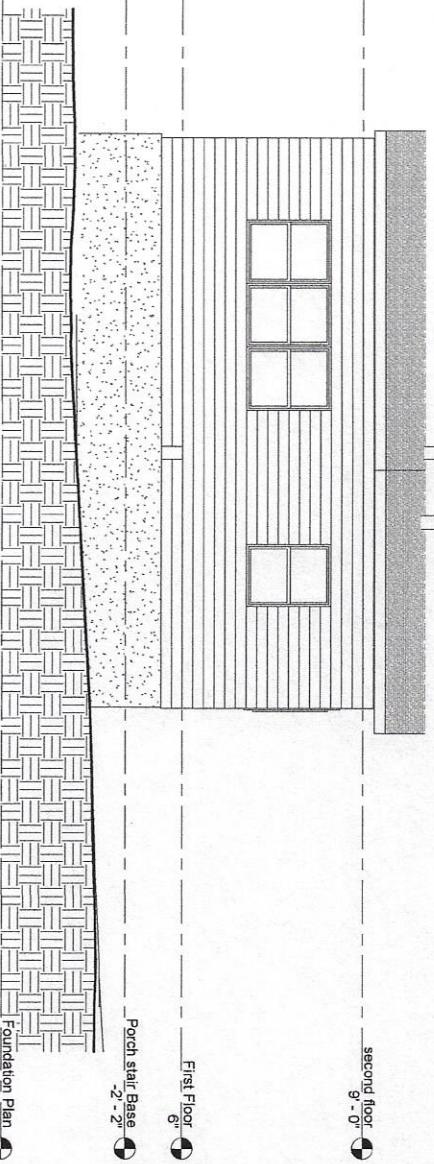
JAN 24 2024

B. Stoy
ADMINISTRATOR



Elevation Northwest

scale: 1/4" = 1'-0"



Tracey
Johnson-
Butler
Architect,
Assoc. AIA,
MSC.

Fax: Washington, Maryland
Phone: 301-530-2386
Email: tracey0918@gmail.com

No. Description Date

Owner
House Addition

Elevations

Project Number Project Number

Date 6904 Avon St

Drawn by Author

Checked by Checker
Foundation Plan

Scale 1/4" = 1'-0"

2

Elevation West

scale: 1/4" = 1'-0"

3(B)

A-6

1/4" = 1'-0"

Ezra Enterprises,
LLC