



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

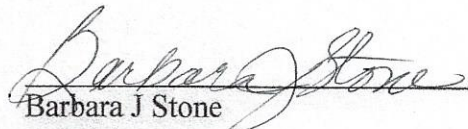
## *NOTICE OF FINAL DECISION OF BOARD OF APPEALS*

RE: Case No. V-7-21 G. Squared Dynamics, LLC

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: May 12, 2021

## **CERTIFICATE OF SERVICE**

This is to certify that on August 6, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
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: G. Squared Dynamics, LLC

Appeal No.: V-7-21

Subject Property: Lot 13, Block F, Chapel Oaks Subdivision, being 1217 Farmingdale Avenue, Capitol Heights, Prince George's County, Maryland

Counsel for Petitioner: Perry Foreman, Esq.

Witness: Fitzroy Gardiner, Property Owner

Heard and Decided: May 12, 2021

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(e)(Table IV) which prescribes that each lot shall have a front yard at least twenty-five feet in depth and each lot shall have a side yard at least eight feet in width. Section 27-442(e)(Table IV) prescribes that each corner lot shall have a side yard along the side street at least twenty-five feet in depth and shall have a rear yard at least twenty feet in depth/width. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to obtain a building permit for the construction of a two-story single-family detached dwelling. Variances of 5.9 feet front yard depth, two feet side yard width, nineteen feet side street yard depth, 1.3 feet rear yard depth/width, and .2% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1943, contains 5,512 square feet, is zoned R-55 (One-Family Detached Residential) and is currently vacant. Exhibit (Exhs.) 2, 4, 5, 7, 8 and 9 (A) thru (D).
2. The property is an irregular shaped corner lot. Exh. 2.
3. Petitioner proposes to obtain a building permit for the construction of two-story single-family detached dwelling. The new single-family dwelling will require: 1) a variance of 5.9 feet front yard depth as the house will be setback only 19.1 feet from the front property line; 2) a variance of 2 feet side yard width is required as the side yard setback from the deck will be only 6 feet; 3) a variance of 19 feet side street yard depth is required as the setback will be only 6 feet; 4) a variance of 1.3 feet as the deck will be only setback from the rear yard 18.7 feet; and 5) a variance of .2% for net lot coverage. Exhs. 2, 4, 5, 7, 8 and 9 (A) thru (D).
4. Mr. Fitzroy Gardiner testified that the proposed dwelling is in line with the revitalization of property in Prince George's County. He explained that the subject property was purchased from the "surplus property" of Prince George's County. The development plan is to erect a two-story house that will be approximately 1,000 sq. ft. on the first floor, second floor and basement levels.



5. He stated that the dwelling will be consistent with the residential character of the neighborhood as well as modern building standards. He stated that the front setback will be perfectly in line with the adjacent homes which he believes will add to the streetscape.

6. He testified that the three neighbors on adjoining properties were elated that the proposed house would be built because of all the trash that accumulates on the vacant property. He offered that the new construction would enhance the community and remove the blight in the neighborhood.<sup>1</sup> The size of the home would be suitable for a growing family. Exhs. 2, 3, 9 (A) thru (D) and 16 (a) thru (g).

7. A revised site plan was submitted by the Petitioner to include additional setback dimensions. Exh. 15.

#### 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

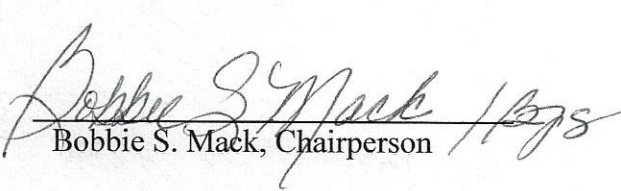
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being an irregular shaped corner lot, the dimensions of the proposed dwelling will be compatible with the homes in the neighborhood, the proposed construction will remove blight in as well as enhance the appearance and safety of the neighborhood 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 5.9 feet front yard depth, two feet side yard width, nineteen feet side street yard depth, 1.3 feet rear yard depth/width and .2% net lot coverage in order to obtain a building permit for the construction of two-story single detached dwelling on the property located at 1217 Farmingdale Avenue, Capitol Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 15 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson

#### NOTICE

<sup>1</sup> He noted that all existing trees on the lot would remain.

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.




















# BOARD OF APPEALS

APPROVED MAY 12 2021

ADMINISTRATOR

## LEGEND

TREE	
GUY WIRE	
UTILITY POLE	
WATER MANHOLE	
SEWER MANHOLE	
WATER VALVE / METER	
GAS VALVE / METER	
LIGHTPOLE	
STORM DRAIN MANHOLE	
FIRE HYDRANT	
PROPERTY LINE	
CHAIN LINK FENCE	
WOOD FENCE	
MAJOR CONTOUR LINE	
MINOR CONTOUR LINE	
SEWER LINE	
WATER LINE	

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ENR.  
COMPANY  
NUMBER  
ENR.  
STRUCTURAL  
COMPANY  
NUMBER  
ENR.  
LANDSCAPE  
COMPANY  
NUMBER  
ENR.

1217  
FARMINGDALE  
SINGLE FAMILY  
1217 FARMINGDALE AVE.  
CAPITOL HEIGHTS, MD 20743  
LOT: 13 BLOCK: F  
SUBDIVISION: 1040  
EIGHTEENTH ELECTION DISTRICT  
TAX ID#: 18-0092871  
SQUARE FOOTAGE: 5,512

03/03/2021 09:00:00 AM  
DATE TIME USER

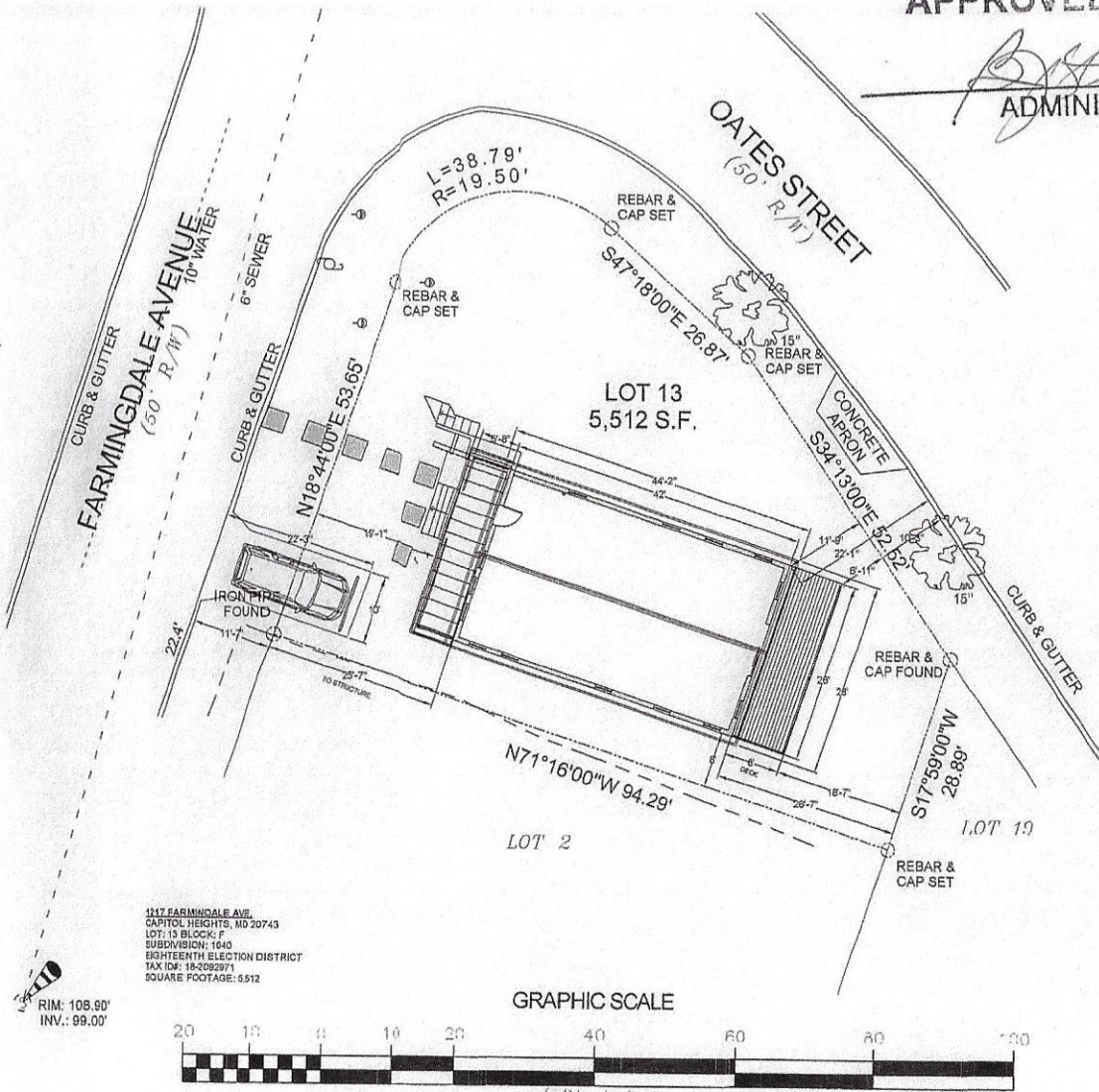
DESIGN PROFESSIONAL STAMP

SITE  
DEVELOPMENT  
PLAN

ISSUE TITLE: 00000000  
ISSUE DATE: 03/03/2021  
PREP: INITIALS  
PLT: INITIALS

C101

PROJECT 00004  
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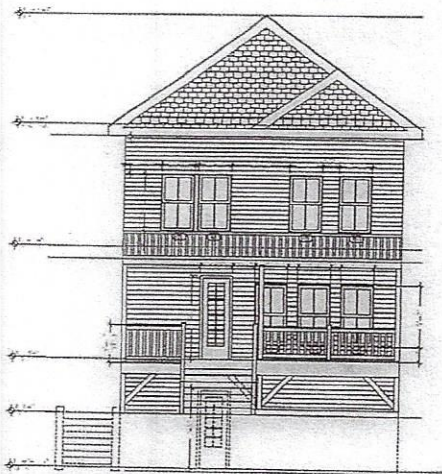
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CAPITOL HEIGHTS, MD 20743  
LOT: 13 BLOCK: F  
SUBDIVISION: 1040  
EIGHTEENTH ELECTION DISTRICT  
TAX ID#: 18-0092871  
SQUARE FOOTAGE: 5,512

GRAPHIC SCALE

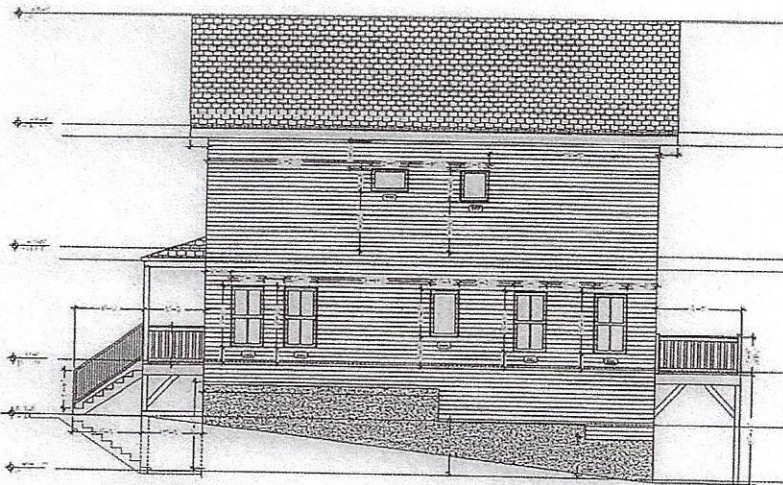
EXHIBIT  
15

V-7-21

1 PROPOSED SITE PLAN - DRAWING



1 WEST ELEVATION (FRONT ELEVATION)  
SCALE 1/8" = 1'-0"



2 SOUTH ELEVATION  
SCALE 1/8" = 1'-0"

1217 FARMINGDALE SINGLE FAMILY	
EXTERIOR ELEVATIONS - WEST & SOUTH	
DRAWN BY DATE	CHECKED BY DATE
PROJECT A104	SHEET 3

## BOARD OF APPEALS

APPROVED MAY 12 2021

*B. Stone*

ADMINISTRATOR

EXH. # 3  
V-7-21