



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-8-21 MJ&S Enterprises

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: September 29, 2021.

CERTIFICATE OF SERVICE

This is to certify that on November 16, 2021, 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 positioned above the printed name and title.

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: MJ&S Enterprise, Inc:

Appeal No.: V-8-21

Subject Property: Lot 29, Block B, Jefferson Heights, Litten Addn. Subdivision, being 1015 Minna Avenue, Capital Heights, Prince George's County, Maryland

Counsel for Petitioner: Kimber Tarver, Esq., Henderson-Parks

Heard: April 28, 2021; Decided: September 29, 2021

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

Albert C. Scott, Vice Chairman

Board Member 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 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 rear yard at least 20 feet in depth/width. 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 (rear yard depth/width and net lot coverage) and obtain a building permit for a sunroom addition on an existing deck. Variances of 12 feet rear yard depth/width and 1.4% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1990, contains 6,501 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling with garage and existing deck with ramp. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject property is located within a cul-de-sac, being a pie-shaped lot. The rear yard was subject to a Woodland Conservation Area running the full length and depth of the back yard. Exhs. 2 and 4.

3. Petitioner proposes to validate existing conditions (rear yard depth/width and net lot coverage) and obtain a building permit for a sunroom addition on the existing deck.

4. The deck was already built without the required 20 feet rear yard setback because it is located only 8 feet from the rear property line. Therefore, a variance of 12 feet is required. Due to the existing and proposed covered deck/sunroom development on the property, a net lot coverage variance of 1.4% is also required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

5. Attorney Kimberly Tarver stated the Petitioner is requesting to construct a sunroom off of the back deck to function as a therapeutic room for medically fragile children who reside in the home. He emphasized that the children spend significant amount of time in their home, so the sunroom would greatly enhance their ability to obtain fresh air and sunlight. The sunroom would also provide additional space for the therapeutic professional to work with the children. Exhs. 2, 3 and 5 (A) thru (G).

6. Ms. Tarver stated that the property is a very odd-shaped lot on which limits the owner's ability to add physical space to the home. Exhs. 2, 3 and 5 (A) thru (G).

7. The Board noted that a revised Tree Conservation Plan II-33-92 has been submitted removing the Woodland Conservation Area from the rear yard of the subject property. 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

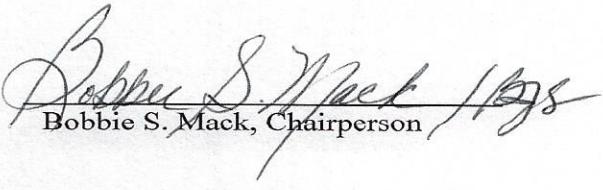
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject property being a pie shaped lot, the limited ability to add physical space to the house, the existing footprint development of the property is unchanged, the initial Tree Conservation Plan is no longer an impediment, the need for a therapeutic room for medically fragile children who reside in the home, the beneficial opportunity for the children to obtain fresh air and sunlight 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 12 feet rear yard depth/width and 1.4 net lot coverage in order to validate existing conditions (rear yard depth/width and net lot coverage) and obtain a building permit for a sunroom addition on existing deck on the property located at 1015 Minna Avenue, Capital Heights 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 approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

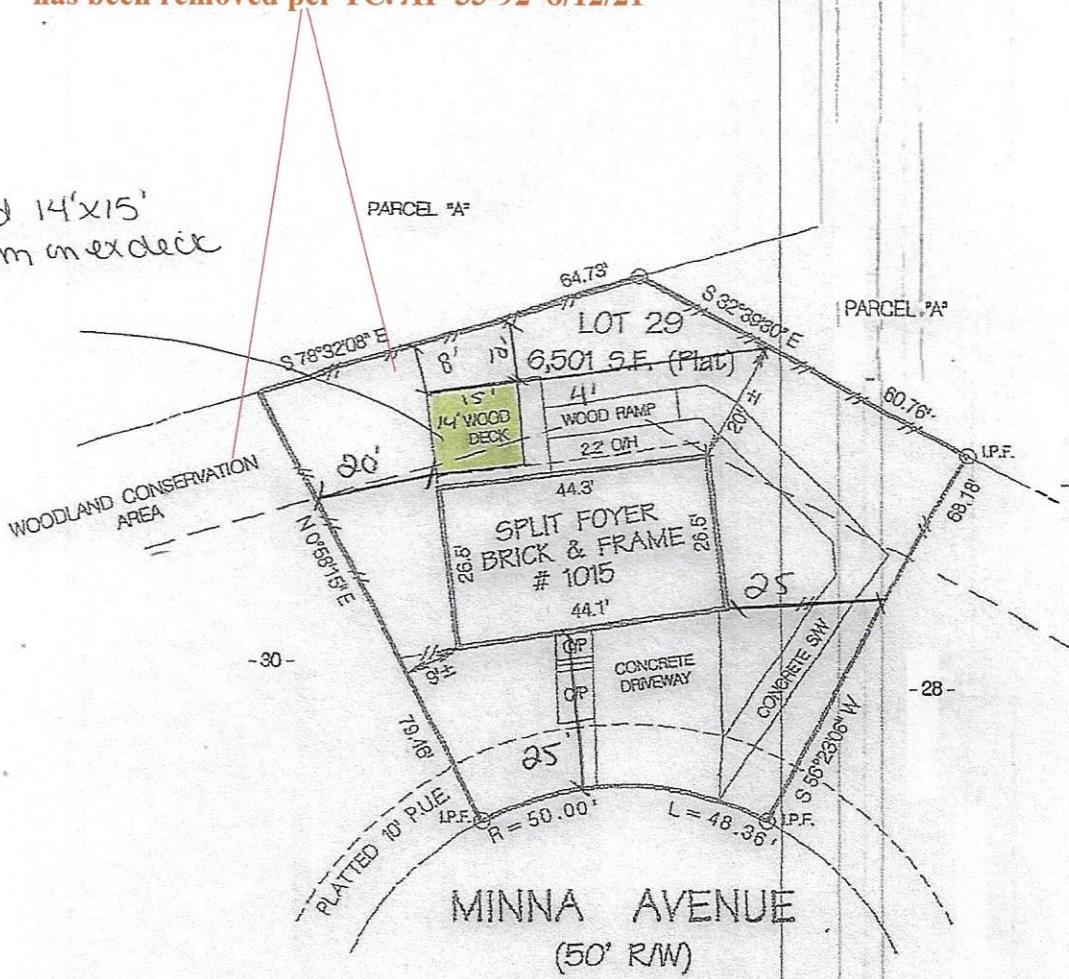
NOTICE

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.

Woodland Conservation Area on Lot 29, Block E
has been removed per TCP.II- 33-92 8/12/21



01 Coverage

ACUSE 1271.41

DW 540.00

1831.41 = 28%

POSED SR = 210

2041.41 - 31.4% PROPOSED

BOARD OF APPEALS

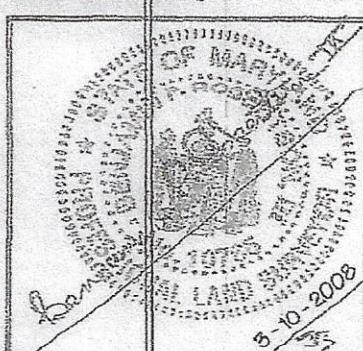
APPROVED SEP 29 2021

B. Stone
ADMINISTRATOR

Level of accuracy of
this Location Drawing:
2° ±

EXH. # 2
V-8-21

Scale
1-36



RECORDED IN: PLAT BOOK VJ 162 @ 79

LOCATION DRAWING

LOT 29 BLOCK B

LITTEN ADDITION TO JEFFERSON HEIGHTS
PRINCE GEORGE'S COUNTY, MARYLAND

RDA

REAL ESTATE DEVELOPMENT TECHNOLOGY ASSOCIATES, INC.
ENGINEERS • LAND PLANNERS • ND SURVEYORS
14603 MAIN STREET • 2nd FLOOR
UPPER MARLBORO, MARYLAND 20772

