



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

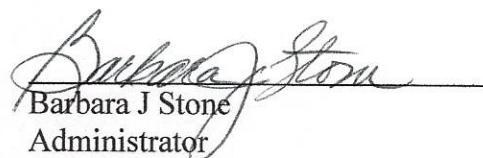
OF BOARD OF APPEALS

RE: Case No. V-9-21 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 15, 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". Below the signature, the name "Barbara J. Stone" is printed in a standard black font, followed by the title "Administrator" in a smaller font.

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-9-21

Subject Property: Lot 26, Block B, Jefferson Heights Litten-Addn Subdivision, Being 1009 Minna Avenue,
Capitol Heights, Prince George's County, Maryland

Counsel for Petitioner: Kimberly 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 variances 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) prescribes that not more than 30% of the net lot area shall be covered by buildings. Petitioner proposes to validate existing conditions (rear yard/width and net lot coverage) and obtain a building permit for the construction of a sunroom addition on existing deck. Variances of 12 feet rear yard depth/width and 4.5% net lot coverage are requested.

Evidence Presented

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

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, driveway and deck with ramp. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject lot is located within a cul-de-sac and is irregular in shape with a dual angled rear lot line. The rear yard includes a Woodland Conservation Area running the full length of the back yard. Exhs. 2 and 4.

3. Petitioner proposes to validate existing conditions (rear yard/width and net lot coverage) and obtain a building permit for the construction of a sunroom addition on the existing deck. As the rear yard has an existing deck being only 8 feet from the rear property line, a variance of 12 feet is required. With the addition of the sunroom, the percentage of lot coverage will be over the allowable 30% and a variance of 4.5% lot coverage is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

4. Counsel Kimberly Tarver explained that they are proposing to build a therapeutic sunroom on the existing deck off the rear of the property. The sunroom will be used for medically fragile children who reside in the home who would benefit significantly from having expanded living space and an area in which they can receive fresh air and sunlight. She stated that the sunroom will also afford the therapeutic professional a suitable place to work with the children.

5. She stated that the variance should be granted because of the odd shape of the lot prohibiting the property owner from adding and enjoying usable living space and that only a small portion of the sunroom would be encroaching the rear yard setback. Exhs. 2, 3 and 5 (A) thru (F).

5. Ms. Tarver made clear that the proposed enclosed sunroom will be built on the exact footprint of the existing deck. Exhs. 2, 3 and 5 (A) thru (F).

6. The Board noted that revised Tree Conservation Plan (TCPII-33-92, Approved 8/12/21) removed the Woodland Conservation Area from the rear of the 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

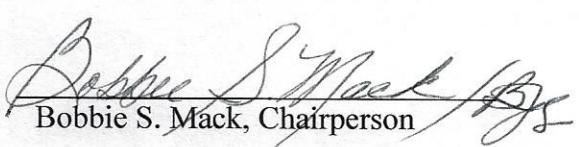
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the unique shape of the lot in the rear, the proposed addition will be built on the same footprint of the deck, the preexisting deck is already encroaching on the rear yard depth/width setback, the need for a therapeutic room for medically fragile children who reside in the home, the opportunity for the children to obtain fresh air and sunlight in the sunroom and the character of the neighborhood, revised Tree Conservation Plan (TCPII-33-92, Approved 8/12/21) removed the Woodland Conservation Area from the rear of the property, 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 4.5% net lot coverage in order to validate existing conditions (rear yard/width and net lot coverage) and obtain a building permit for the construction of a sunroom addition on existing deck on the property located at 1009 Minna 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 site plan, Exhibit 2 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:

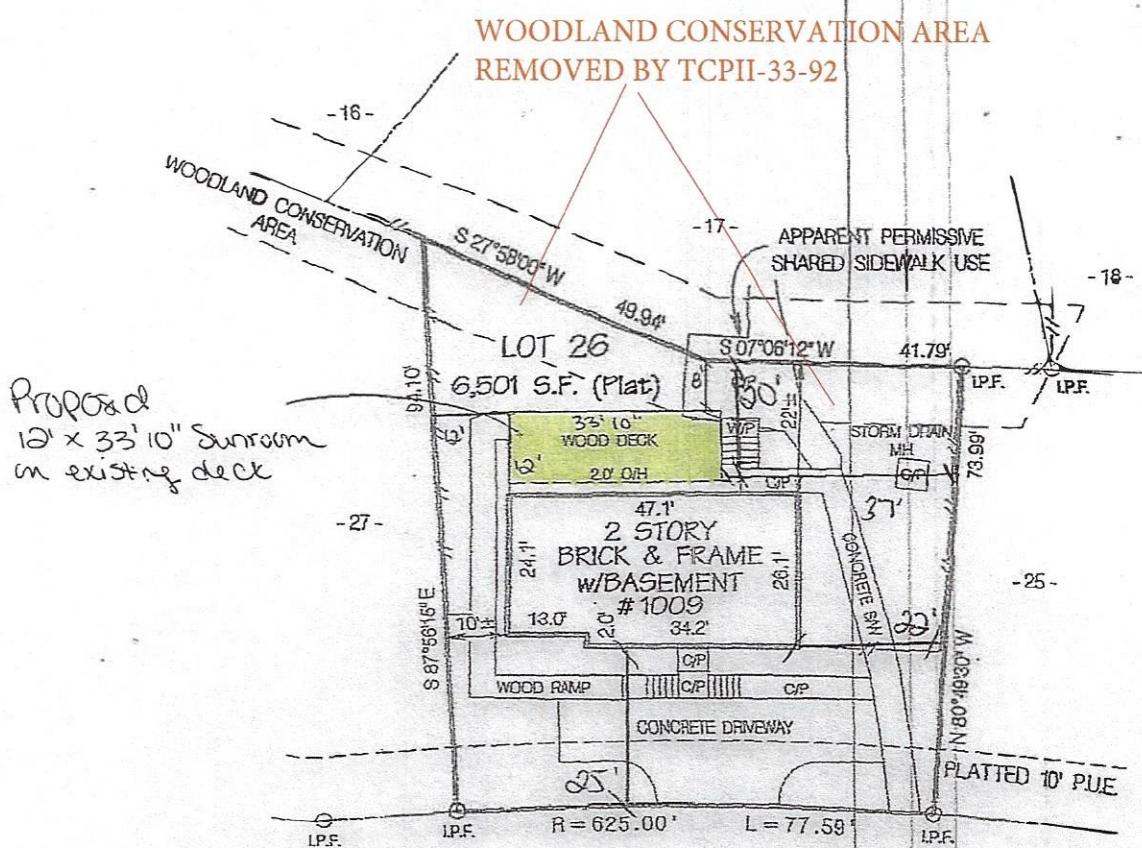

Bobbie S. Mack, Chairperson

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.



BOARD OF APPEALS

APPROVED SEP 29 2021

B. St. John
ADMINISTRATOR

Level of accuracy of
this Location Drawing: $2' \pm$

Lot Size 6,501

Lot Coverage

House: 1205.92

DW: 650

Total: 1855.92 = 29%

Proposed SR 405.96

Proposed Lot Coverage = 2061.88 = 35%

RECORDED IN: PLAT BOOK VJ 162 @ 79

EXH. # 2
V-9-21

LOCATION DRAWING	
LOT 26 BLOCK B	
LITTEN ADDITION TO JEFFERSON HEIGHTS	
PRINCE GEORGE'S COUNTY, MARYLAND	
Job No. PG-2826-J	Scale: 1" = 30'

RDA
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