



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

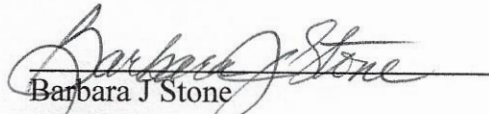
OF BOARD OF APPEALS

RE: Case No. V-16-21 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-16-21

Subject Property: Lots 61 and 62, Block 35, Greater Capital Heights Subdivision, being 1106 Nova Avenue, Capitol Heights, Prince George's County, Maryland

Counsel for Petitioner: Perry Forman, Esq.

Witness: Fitzroy Gardiner, Sole Owner, G Squared Dynamics, LLC

Heard and Decided: May 12, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member, Absent

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 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 5,500 square feet. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line and 45 feet measured along the front street line. Section 27-442(e) (Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-442(c) (Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings. Section 27-120.01(c) prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to obtain a building permit for the construction of a two-story, single-family dwelling, driveway and open deck. Variances of 900 square feet net lot area, 20 feet front building line width and 5 feet front street line width, 1-foot each side yard width, 8.9% net lot coverage and a waiver of the parking area location requirement were requested.

Evidence Presented

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

1. The property was subdivided in 1909, contains 4,600 square feet, is zoned R-55 (One-Family Detached Residential), and is currently vacant. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. The subject property is very narrow at 40 feet in width and has a depth of 150 ' in length. The property has a slight decline in the rear. Exhs. 2 and 4.
3. Petitioner is proposing to obtain a building permit for the construction of a two-story, single-family dwelling with a front porch, driveway and open deck. Because the preexisting net lot area is only 4,600 sq. ft., a variance of 900 sq. ft. is requested. Because the width of the front building line is only 45, a variance of 20 ft. is requested and because the front street line width is only 40 feet, a variance of 5 feet front street line is required, respectively. Regarding the side yard widths, both sides will be 7 feet on each side after the construction and a variance of 1 foot on each side yard is requested. Within the R-55 Zone, the maximum allowable lot coverage is 30%, but the proposed development will be over the maximum

allowable coverage by 8.9%. In addition, a waiver of the parking area location will be required as the proposed driveway will be located directly in front of the dwelling. (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

4. Mr. Gardiner testified that he proposes to build a single-family dwelling on this vacant lot that is consistent with the character of the homes in the neighborhood. The front building line is in conjunction with the other homes and the proposed dwelling will line up with the other homes. He noted that because of the location of the sewer, the parking area must be located directly in front of the house. Exhs. 2, 3 and 14 (A) thru (C).

5. Mr. Gardiner further testified that the proposed house would look very similar to the house on the adjoining property on the right side. Exhs. 2, 3 and 14 (A) thru (C).

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

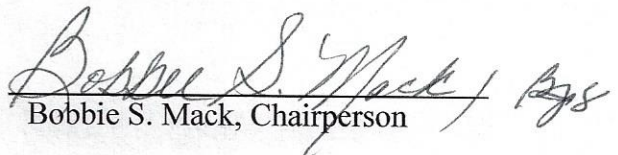
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the exceptional narrowness of the subject property, the preexisting net lot area and width of the front building line, width at the front street line, the location of the sewer in the front yard area, the desire to build a house similar to others in 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, by majority vote, Ms. Anastasia Johnson absent, that Variances of 900 square feet net lot area, 25 feet front building line width and 5 feet front street line width, 1-foot each side yard width, 8.9% net lot coverage and a waiver of the parking area location requirement in order to obtain a building permit for the construction of a two-story single dwelling, driveway and open deck on the property located at 1106 Nova Avenue, Capitol Heights, Prince George's County, Maryland, be and are 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.

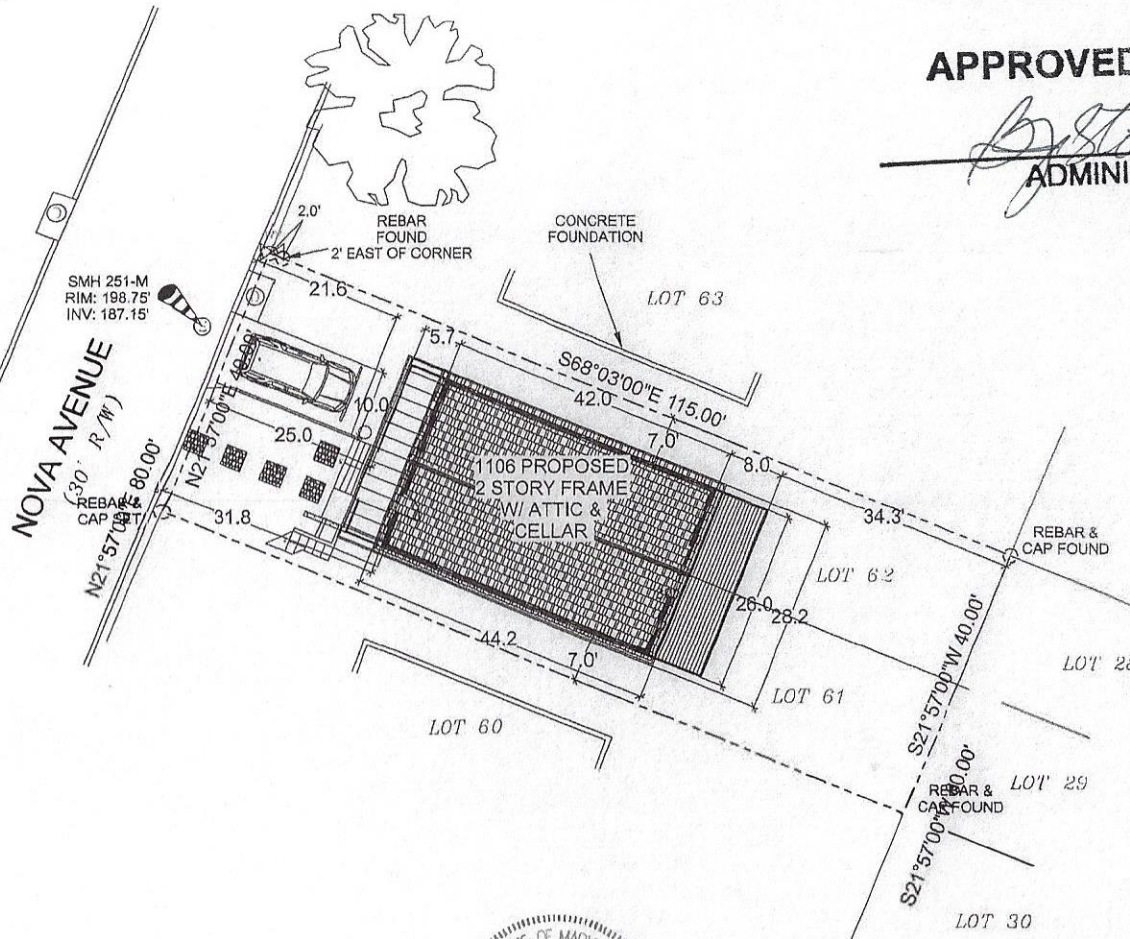
Further, Section 27-233(a) of the Prince George's County Code states:

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 MAY 12 2021

[Signature]
ADMINISTRATOR



LEGEND

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

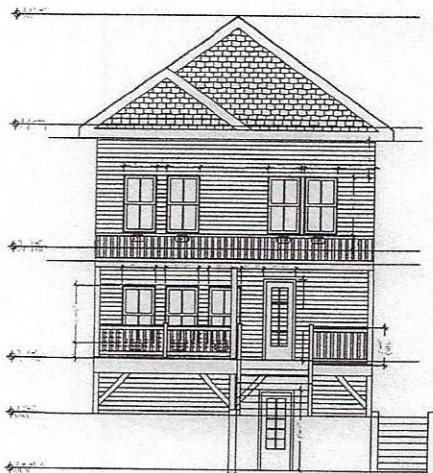


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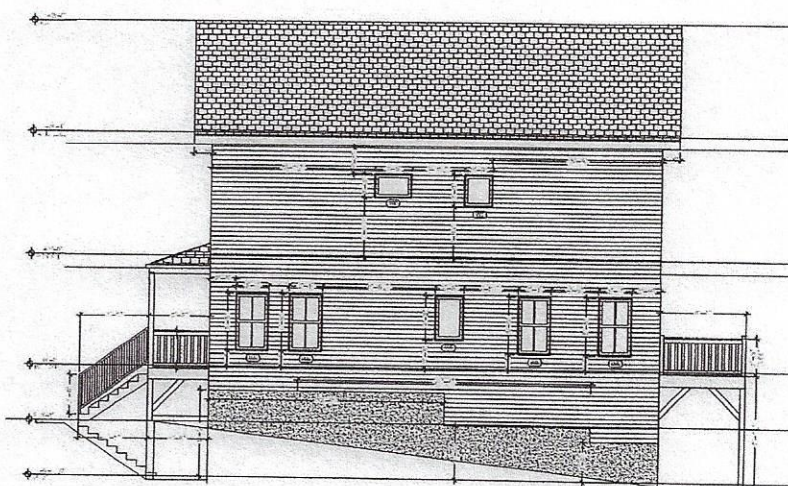
EXH. # **2**
V-16-21

PROPOSED SITE PLAN

1106 NOVA AVE SINGLE FAMILY 1300 NOVA AVE CAPTIVE 1550 S.W. 22ND	
DESIGN PROFESSIONAL STAMP SITE DEVELOPMENT PLAN ISSUE DATE: 10-22-2021 REVISION DATE: 10-22-2021 PROJECT: 1106 NOVA AVE SHEET: 1 OF 1	C101 PROJECT: 1106 NOVA AVE SHEET: 1 OF 1



1 WEST ELEVATION (FRONT ELEVATION)



2 NORTH ELEVATION

<p>1106 NOVA AVE</p> <p>SINGLE FAMILY</p>	
<p>EXTERIOR ELEVATIONS - NORTH & WEST</p>	
<p>A104</p>	

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APPROVED MAY 12 2021

[Signature]
ADMINISTRATOR

EXH. # 3
V-16-21