



# 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

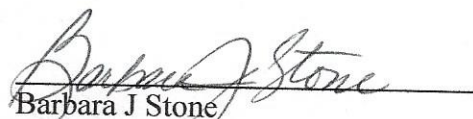
### OF BOARD OF APPEALS

RE: Case No. V-52-21 Qassey, 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: August 25, 2021.

## CERTIFICATE OF SERVICE

This is to certify that on November 9, 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: Qassey, LLC

Appeal No.: V-52-21

Subject Property: Lot 74 and Part of Lots 75 & 76, Part of Godfrey's Second Addition to Fairmount Heights Subdivision, being 5615 Addison Road, Capitol Heights, Prince George's County, Maryland

Municipality: Seat Pleasant

Counsel for Petitioner: Kellee Baker, Esq.

Witness: Hamza Wardere, Property Owner

Heard and Decided: August 25, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Present  
Albert C. Scott, Vice Chairman - Present  
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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-442(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5,000 square feet; Section 27-442(e)(Table IV), which prescribes that each corner lot shall have a front yard and a side yard along the side street at least 25 feet in depth; and 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. Section 27-120.01(c) which 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 validate an existing condition (net lot area) and construct a covered front porch, two-story addition and replace existing parking pad partially in front of proposed addition. Variances of 61 square feet net lot area, 23 feet front yard depth, 8.5 feet side street yard depth, .5% net lot coverage and waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1931, contains 4,939 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling, covered front porch and two-story addition. Exhibits (Exhs.) 2, 4, 13, 14 and 15 (A) thru (G).

2. The subject property is an irregular-shaped corner lot, being 73 feet wide along 62<sup>nd</sup> Place, being the legal front) and angles 34 feet along Addison Road to the rear property line. The dwelling was built in 1915. Exhs. 2, 4, 13, 14 and 15 (A) thru (G).



3. Petitioner proposes to validate an existing condition being overage of net lot area and obtain a permit to construct a covered front porch, two-story addition and replacement parking pad that will be partially in front of the proposed addition. Exh. 2.

4. The minimum net lot area requirement of 5,000 for the property is not being met and will require a variance of 61 square feet.<sup>1</sup> Exh. 2.

5. Due to the configuration of the house on the subject lot, the front yard setback of 25 feet requirement is not being met, necessitating a variance of 23 feet. Exh. 2.

6. Because the property is a corner lot, the legal side yard does not comply with the 25-foot side street yard setback for which a variance of 8.5 feet is required. Exh. 2.

7. With the construction of the two-story addition, the 30% maximum allowable net lot coverage is slightly in overage by .5%, requiring a variance. Exh. 2.

8. With the proposed construction of the addition being built in front of the existing driveway, a waiver of the parking area location requirement is necessary. Exhs. 2, 4, 13, 14 and 15 (A) thru (G).

9. Hamza Wardere testified that the property was purchased in 2019, a few months prior to the advent of Covid-19 and before the previous owner completed proposed construction approved under V-36-16 and before the associated building permit expired. Exh. 11.

10. Petitioner requested that the prior Board approved variance for the same net lot coverage issue be essentially re-approved. Exhs. 2, 3 (a) thru (c), 5 (A) thru (Q) and 11.

11. The City of Seat Pleasant supported petitioner's current request for variances. Exh. 24

12. The site plan indicates that the existing front porch will be replaced with a much smaller portico, the existing concrete walk will be removed, and a concrete pad will also be removed. Exh. 2.

#### 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 a corner lot, the unusual shape of the property, the property being subdivided in 1931 and the house being built in 1915, the prior Board approval of the same or similar variances for the same property in 2016, the existing front porch being replaced with a much smaller portico, an existing concrete walk being removed, the need for additional living space 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.

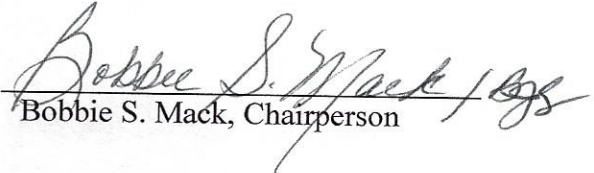
BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that variances of 61 square feet net lot area, 23 feet front yard depth, 8.5 feet side street yard depth, .5% net lot coverage and waiver of the parking area location requirement in order to validate an existing condition (net lot area) and

<sup>1</sup> The issue of net lot coverage was previously addressed in V-36-16 for which a variance was approved. Exh. 11.



obtain a building permit for the construction of a covered front porch, two-story addition and replacement parking pad located partially in front of the proposed two-story addition on the property located at 5615 Addison Road, 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, Exh. 2 and approved elevation plans, Exhs. 3 (a) thru (c).

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.

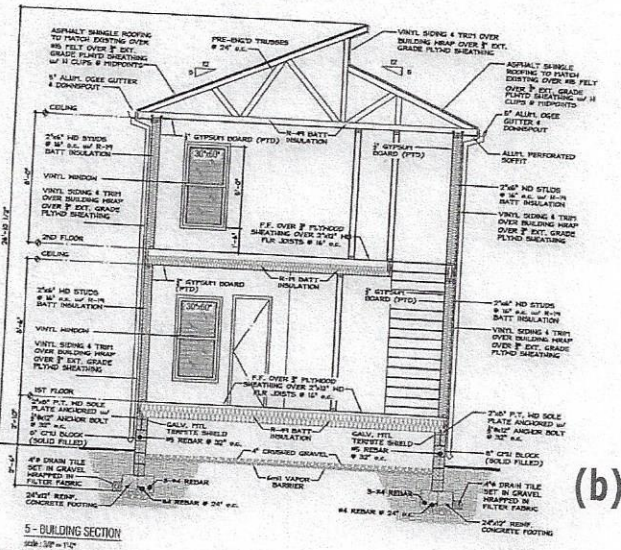
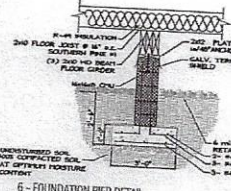
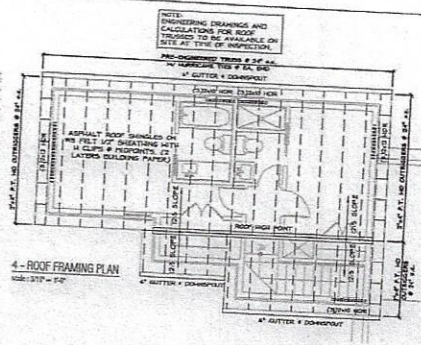
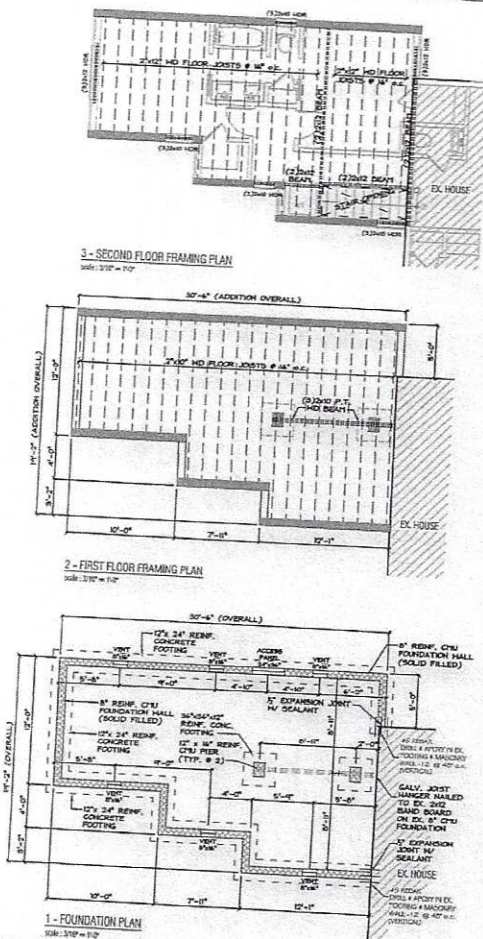












# STRUCTURAL DESIGN LOADS

Roof:	42 PSF (44)	15 PSF (16)
Floor:	32 PSF (34)	15 PSF (16)
Deck:	40 PSF (42)	20 PSF (21)
Patio with storage:	20 PSF	
Patio without storage:	10 PSF	
Roofing materials:	80 PSF	
Stairs:	40 PSF	
Handrails and landings:	200 PSF	
Guardrails on flat surfaces:	90 PSF	
Partitions - walls on grade:	50 PSF	
Non-load:		
Foundation braced walls:	60 PSF	
Non-braced walls:	60 PSF	
Ground snow load:	32 PSF	
Flat snow load:	30 PSF + 0.08	
Wind:	15 mph	
Minimum wind speed pressure:	60 psf	

# DESIGN PARAMETERS

Soil:	3
Wind Design Temperature:	12°F
Seismic Design Category:	II
Seismic Risk Factor:	3.0
Mean Annual Temperature:	61°F

# WOOD FRAMING

1. ALL STRUCTURAL WOOD SHALL BE SOUTHERN YELLOW-PINE OR WHITE PINE, GRADE 2, OR EQUIVALENT. ALL WOOD SHALL BE KILN DRIED TO A MAXIMUM MOISTURE CONTENT OF 19%.

2. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST TERMITES AND OTHER INSECTS.

3. ALL WOOD SHALL BE PROTECTED AGAINST WEATHERING AND ROT.

4. ALL WOOD SHALL BE PROTECTED AGAINST FIRE.

5. ALL WOOD SHALL BE PROTECTED AGAINST CORROSION.

6. ALL WOOD SHALL BE PROTECTED AGAINST DECAY.

7. ALL WOOD SHALL BE PROTECTED AGAINST INSECT DAMAGE.

8. ALL WOOD SHALL BE PROTECTED AGAINST MOLD AND FUNGUS.

9. ALL WOOD SHALL BE PROTECTED AGAINST BARK BEETLES.

10. ALL WOOD SHALL BE PROTECTED AGAINST OTHER INSECT DAMAGE.

# CONCRETE

1. ALL CONCRETE SHALL BE 4000 PSI COMPRESSIVE STRENGTH.

2. ALL CONCRETE SHALL BE PLACED AND FINISHED TO A FINISH OF 1/4" TYP.

3. ALL CONCRETE SHALL BE CURED FOR A MINIMUM OF 7 DAYS.

4. ALL CONCRETE SHALL BE PROTECTED AGAINST WEATHERING AND ROT.

5. ALL CONCRETE SHALL BE PROTECTED AGAINST FIRE.

6. ALL CONCRETE SHALL BE PROTECTED AGAINST CORROSION.

7. ALL CONCRETE SHALL BE PROTECTED AGAINST DECAY.

8. ALL CONCRETE SHALL BE PROTECTED AGAINST INSECT DAMAGE.

9. ALL CONCRETE SHALL BE PROTECTED AGAINST MOLD AND FUNGUS.

10. ALL CONCRETE SHALL BE PROTECTED AGAINST BARK BEETLES.

11. ALL CONCRETE SHALL BE PROTECTED AGAINST OTHER INSECT DAMAGE.

# FOUNDATION

1. ALL FOUNDATION SHALL BE 18" MIN. THICK.

2. ALL FOUNDATION SHALL BE 18" MIN. THICK.

3. ALL FOUNDATION SHALL BE 18" MIN. THICK.

4. ALL FOUNDATION SHALL BE 18" MIN. THICK.

5. ALL FOUNDATION SHALL BE 18" MIN. THICK.

6. ALL FOUNDATION SHALL BE 18" MIN. THICK.

7. ALL FOUNDATION SHALL BE 18" MIN. THICK.

8. ALL FOUNDATION SHALL BE 18" MIN. THICK.

9. ALL FOUNDATION SHALL BE 18" MIN. THICK.

10. ALL FOUNDATION SHALL BE 18" MIN. THICK.

**Victory Design, Inc.**  
4400 W. Highway 100, Suite 100  
Hattiesville, MS 39401  
Phone: 601-471-1111  
Fax: 601-471-1112  
www.victorydesign.com

**5615 ADDISON ROAD  
HATTIESVILLE, MS 39401**  
BOND & CASHMAN  
Building Section

PERMIT SET  
PRINTING #1

Foundation & Framing Plan  
Building Section

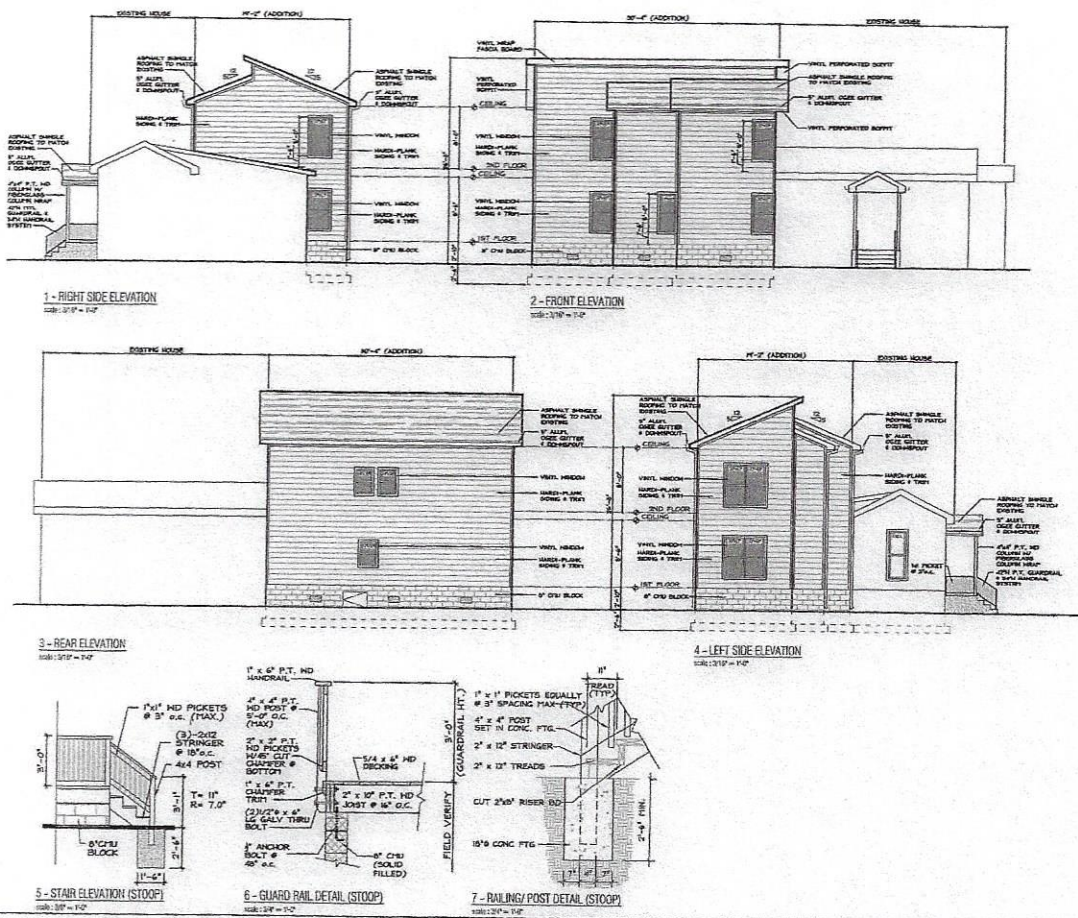
**A-3**  
Drawing no.

**BOARD OF APPEALS**

**APPROVED AUG 25 2021**

*[Signature]*  
**ADMINISTRATOR**





**Kelley Design, Inc.**  
 5615 ADDISON ROAD  
 HYATTSVILLE MD, 20743  
 410-281-1111  
 www.kelleydesigninc.com

PERMIT SET  
 PRINTING #1

Exterior Elevation  
 Stoop Framing & Details

DATE: 08-01-2021  
 BY: J. J. JONES

Exterior Elevation  
 Stoop Framing  
 Details

**A-2**

# BOARD OF APPEALS

APPROVED AUG 25 2021

ADMINISTRATOR