



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

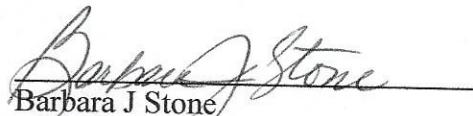
OF BOARD OF APPEALS

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 62nd 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.¹ 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.

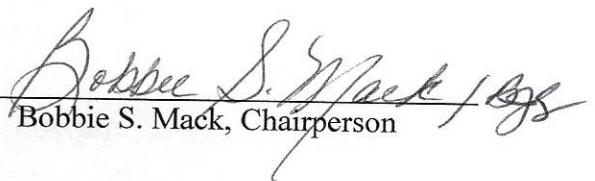
BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that variances of 61 square feet net lot area, 23 feet front yard depth, 8.5 feet side street yard depth, .5% net lot coverage and waiver of the parking area location requirement in order to validate an existing condition (net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

¹ 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.

APPROVED AUG 25 2021

ADMINISTRATOR



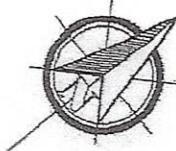
THIS DOCUMENT IS CERTIFIED TO:



NEIGHBORHOOD SETTLEMENTS



CASE 1 - - - -



"62ND" PLACE

N40°00'E
73± (MEAS.)

EXH. # 2
V-52-21

NOTE:
ENCROACHMENTS
MAY EXIST

LOT AREA: 4939 SF

LOCATION DRAWING OF:
#5615 ADDISON ROAD
LOT 74 & PART OF LOTS 75 & 76
PART OF GODREY'S SECOND DIVISION TO
FAIRMOUNT HEIGHTS

LIBER: 217, FOLIO: 308 (PLAT)
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1"=20' DATE: 9-11-15
DRAWN BY: CP FILE #: 156011-200

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LEGEND:

- FENCE
- BASEMENT ENTRANCE
- DAY WINDOW
- BRICK
- SLIDE RESTRICTION LINE
- BSLT - BASEMENT
- CDT - CONCRETE STOOP
- CONC - CONCRETE
- DW - DRIVEWAY
- FR - FRAME
- MAC - MACADAM
- OH - OVERHANG
- PBL - Poured Concrete Foundation

COLOR KEY:

RED	- RECORD INFORMATION
BLUE	- IMPROVEMENTS
GREEN	- EXITS & RESTRICTION LINES

A Land Surveying Company

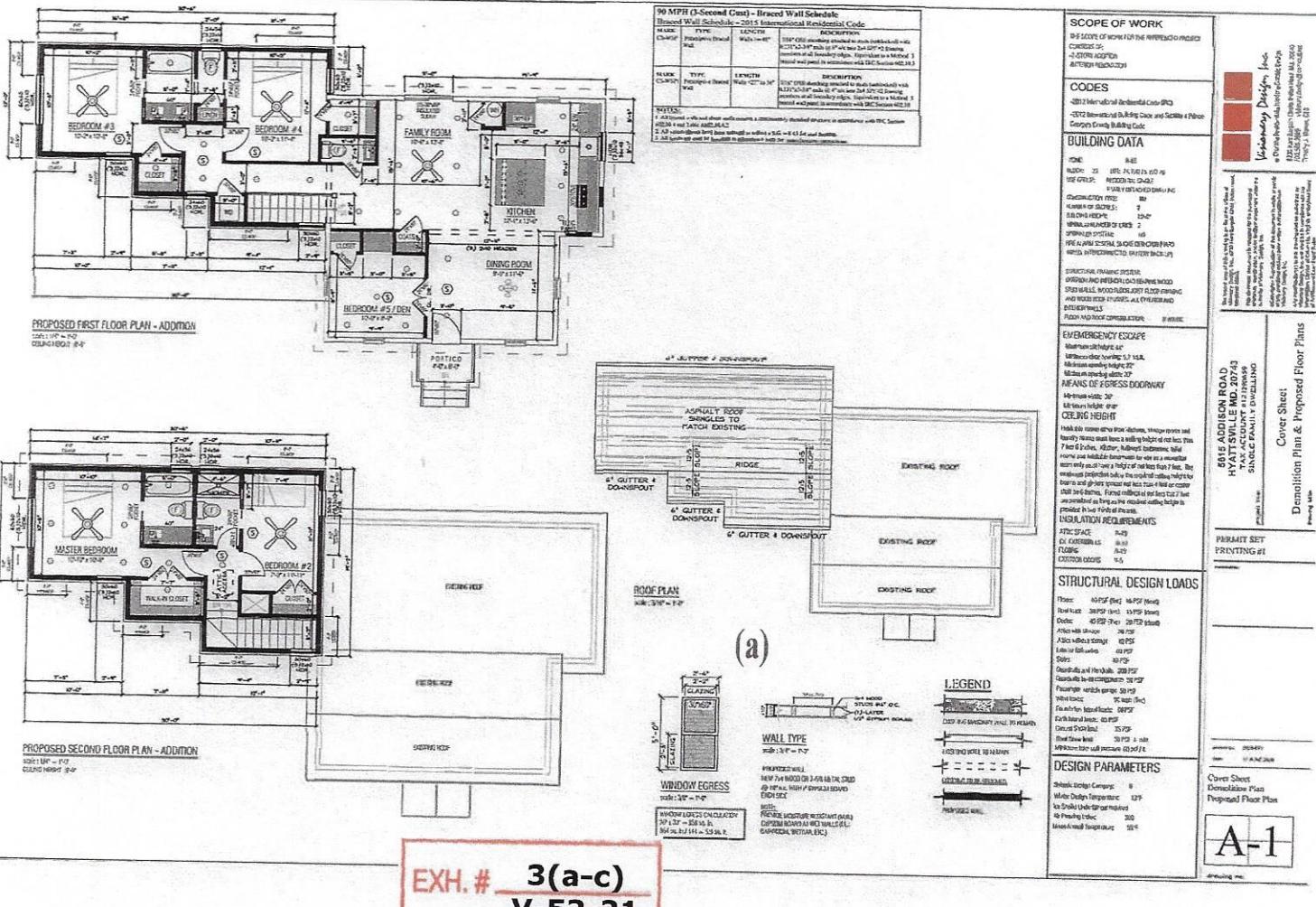
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SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.

I HEREBY CERTIFY THAT I WAS IN NO WAY INVOLVED IN THE PREPARATION OF THIS DRAWING AND THE SURVEY MARKS REPLICATED HEREON ARE NOT IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 10.00 OF THE CODE OF MARYLAND AND THAT THE DRAWING THEREIN IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER EVIDENCE OF PROPERTY THAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY. BOUNDARY LINE(S) SUCH AS SHOWN ON THIS DRAWING ARE NOT TO BE USED AS A BASIS FOR THE SETTING OUT OF PROPERTY. THIS PLAN IS OF SUBJECT TO A MEASURE OF ERROR DUE TO THE INACCURACIES OF THE SURVEYOR, THE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONDUCT OF THE SURVEY, TRANSFER, FINANCING OR REPRINCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 2%. NO TITLE REPORT IS MADE OR PROVIDED. THE PROPERTY IS SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING CONSTRUCTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYORS OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCLORUREMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

SURVEYOR'S CERTIFICATE



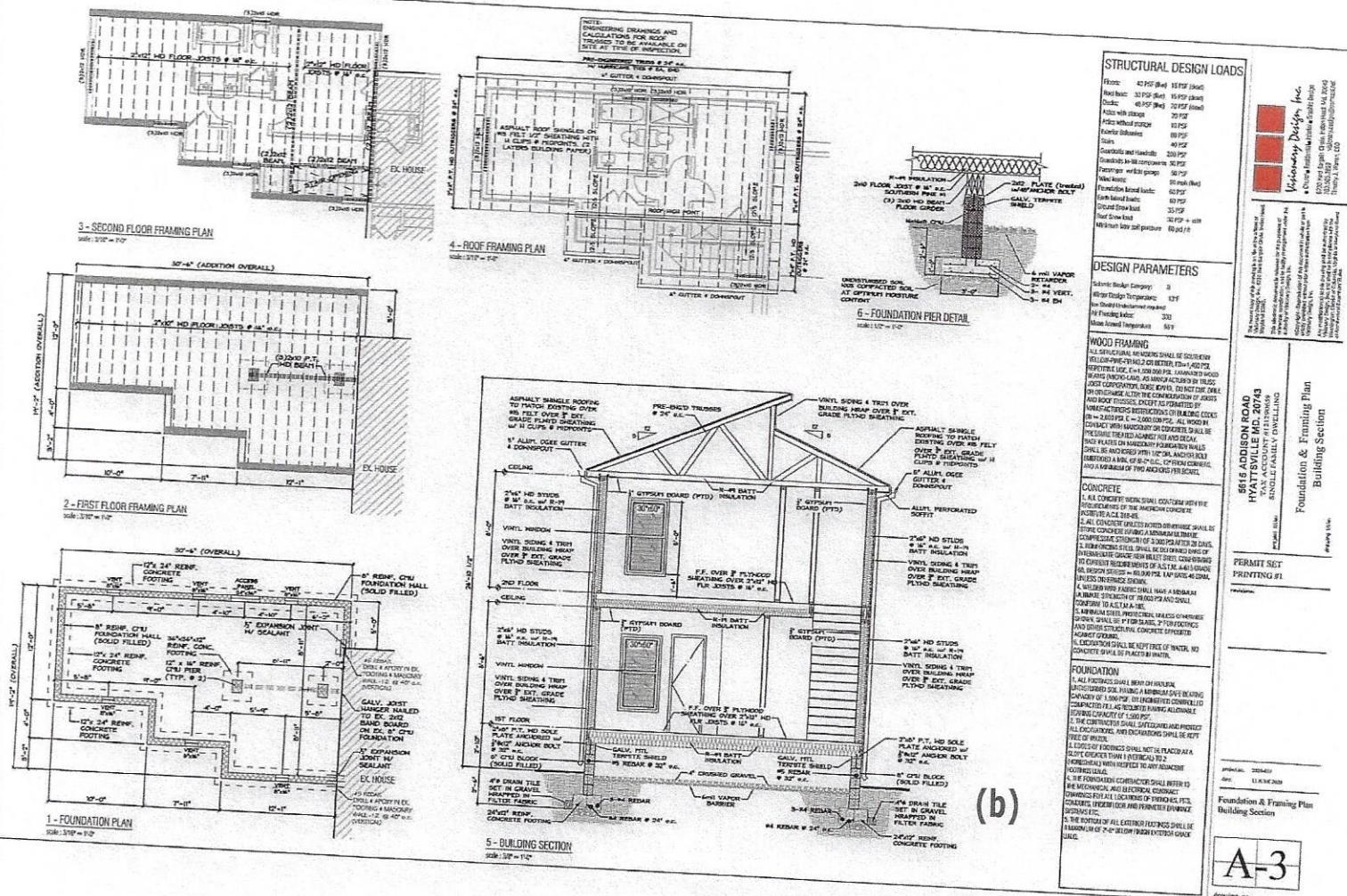
EXH. # 3(a-c)
V-52-21

BOARD OF APPEALS

APPROVED

AUG 25 2021

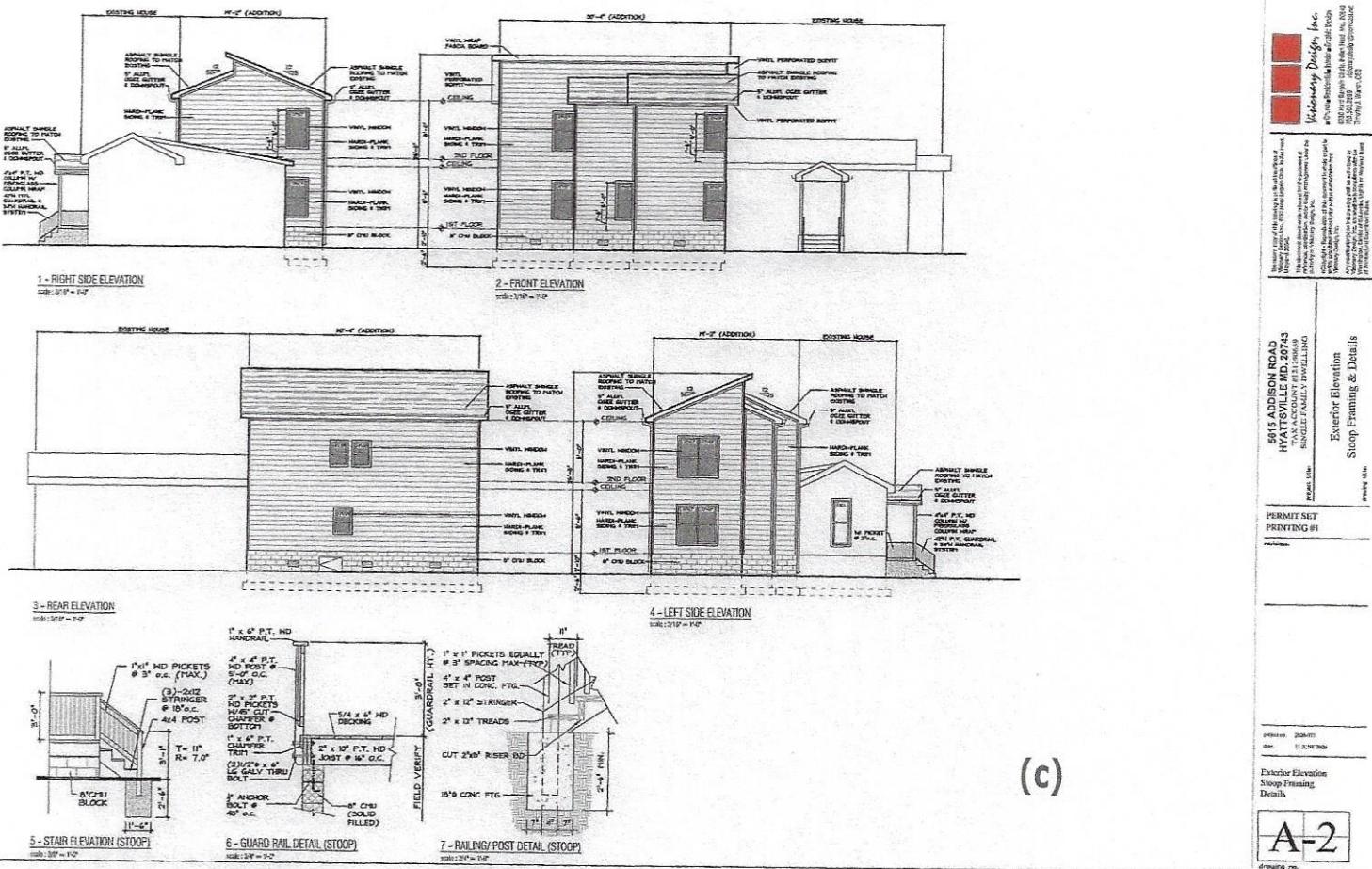
John Doe
ADMINISTRATOR



BOARD OF APPEALS

APPROVED AUG 25 2021

B. Stone
ADMINISTRATOR



BOARD OF APPEALS

APPROVED AUG 25 2021

Administrator