



# 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*

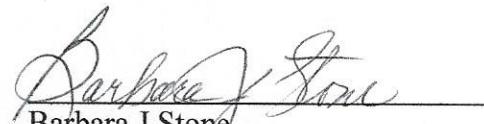
## *OF BOARD OF APPEALS*

RE: Case No. V-110-21 Donald and Sharod Harris

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: October 20, 2021.

## **CERTIFICATE OF SERVICE**

This is to certify that on December 20, 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*

Petitioners: Donald and Sharod Harris

Appeal No.: V-110-21

Subject Property: Lot 31, Block QUE, Calverton Subdivision, 3402 Castleleigh Road, Beltsville,  
Prince George's County, Maryland

Witness: Norris Vassell, Contractor,

Heard and Decided: October 20, 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 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, Petitioners request that the Board approve a variance from Section 27-442(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 9,500 square feet. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition (net lot area) and obtain a building permit for a proposed patio enclosure. Variances of 70 square feet net lot area and 2.5% net lot coverage and were requested.

**Evidence Presented**

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

1. The property was subdivided in 1963, contains 9,430 square feet, is zoned R-80 (One-Family Detached Residential), and is improved with a two-story single-family dwelling, driveway, carport, patio and shed. Exhibits (Exhs.) 2, 4, 6, 7 and 8 (A) thru (F).

2. The subject property is an oddly shaped lot with the rear yard lot line being two sided and severely angled to a point. Exhs. 2, 4 and 8 (A) thru (F).

3. Petitioners propose to validate an existing condition (net lot area) and obtain a building permit for a proposed patio enclosure. A variance of 70 square feet is required as the minimum net lot area is 9,500 and the actual net lot area is only 9,430 square feet. With the addition of the patio enclosure, the net lot coverage will increase over the maximum allowance of 30% for which a variance of 2.5% is required. Exhs. 2, 4, 6, 7 and 8 (A) thru (F).

4. Mr. Vassell testified that the Petitioners propose to construct an enclosed patio on an existing slab back patio. He opined that the proposed work will not have any detrimental impact to the neighbors or the public, and the post-construction will be in character with the dwelling as well as other homes in the neighborhood. The patio enclosure will be the same width as the rear patio doors. The enclosure will be 14' x 20' and will not be visible from the street. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (I).

5. Petitioner Donald Harris testified that he purchased the property 23 - 24 years ago and would like to have an area outside to relax.

6. He testified that his neighbors are happy with the proposed enclosure.

7. The enclosure will be both screen and glass windows, being wholly enclosed. To demonstrate the rear patio enclosure is in character with the neighborhood, Petitioners submitted pictures of two neighbors (3304 Stonehall Drive and 4301 Briggs Chaney Road) that also have patio enclosers. Petitioners offered that the patio enclosure would provide their children and grandchildren with a place to enjoy the back yard in inclement weather. Exhs. 2, 3 (a) thru (c), and 5 (A) thru (I).

#### 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

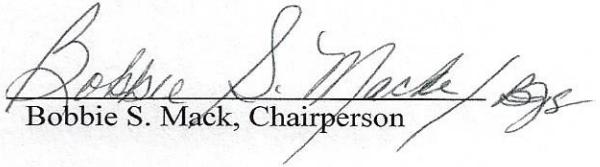
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the unique shape of the lot, the deficient minimum net lot area pre-existed, the need for an outside area out of the weather to enjoy the back yard with family 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that variances of 70 square feet net lot area and 2.5% net lot coverage in order to validate an existing condition (net lot area) and obtain a building permit for the proposed patio enclosure on the property located at 3402 Castleleigh Road, Beltsville, 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, Exhibits 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:

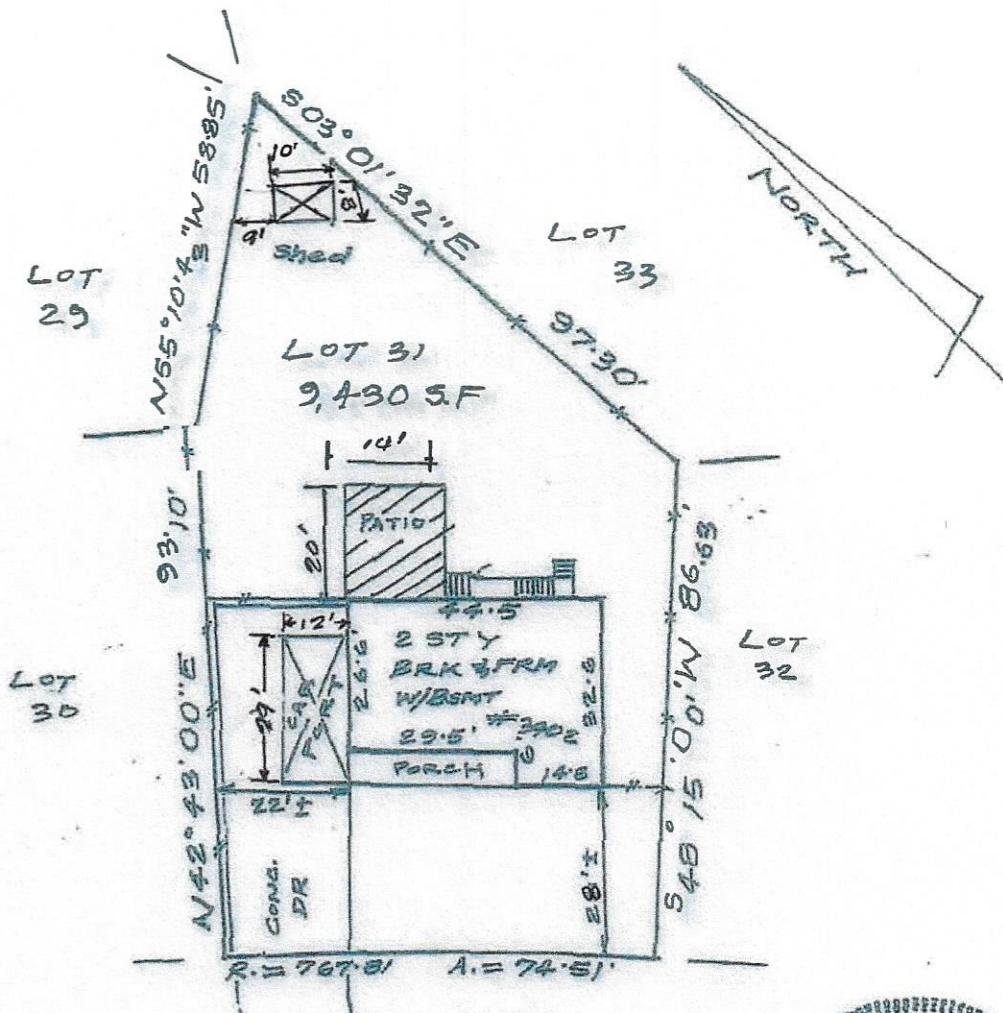
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

VYFHUIS & ASSOCIATES

LAND SURVEYORS

6518 BLAIR ROAD N.W.

WASHINGTON, DC. 20012 TELE. No. 202 526 7702

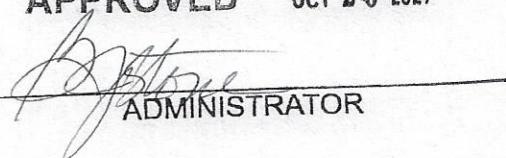


## BOARD OF APPEALS

CASTLELEIGH ROAD

(50 FT. R.W.)

APPROVED OCT 20 2021

  
Administrator

EXH. # 2  
V-110-21



### LOCATION SURVEY

3402 CASTLELEIGH ROAD

LOT 31, SECTION 6, BLOCK Q

PLAT BK. 47 PLAT No. 75

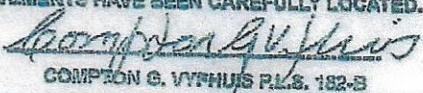
CALVERTON

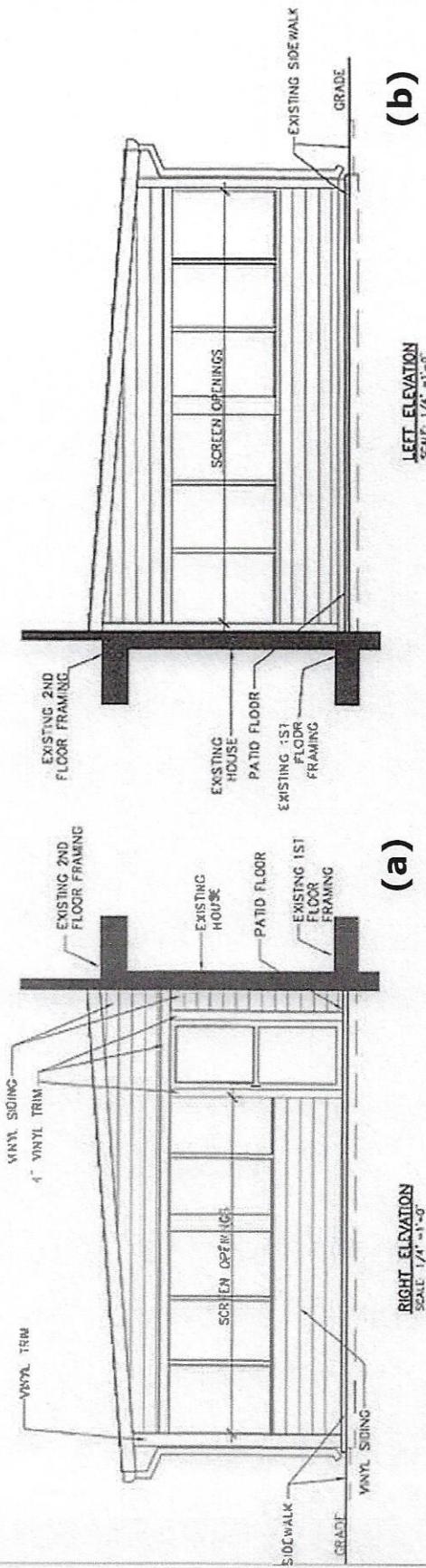
PRINCE GEORGE'S COUNTY, MARYLAND

SCALE : 1 INCH = 30 FT. DATE: 8/18/2021

### SURVEYOR'S CERTIFICATION

WE HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY SHOWN  
HEREON IN ACCORDANCE WITH THE RECORDED DESCRIPTION.  
THE IMPROVEMENTS HAVE BEEN CAREFULLY LOCATED.

  
COMPTON G. VYFHUIS P.L.S. 182-B



(b)

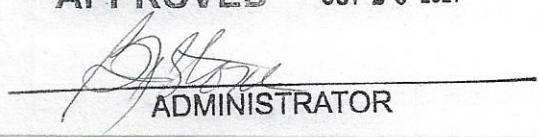
(a)

(c)

(b)

## BOARD OF APPEALS

APPROVED OCT 20 2021

  
Administrator

**EXH. # 3(a-c)**  
**V-110-21**