



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

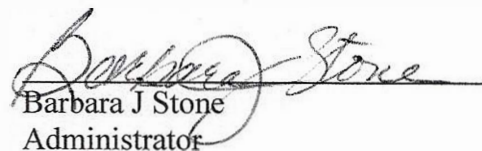
OF BOARD OF APPEALS

RE: Case No. V-118-21 Parris Homes, LLC and Duckling Properties, 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: February 23, 2022.

CERTIFICATE OF SERVICE

This is to certify that on May 6, 2022, 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: Parris Homes, LLC and Duckling Properties, LLC

Appeal No.: V-118-21

Subject Property: Parcel 265, Map 52, Grid C4, being 8813 Sterling Street, Landover, Prince George's County, Maryland

Counsel for Petitioners: Joseph A.L. Thomas, Esq. The Thomas Law Firm

Witnesses: Stefan Swan, Owner, Duckling Properties, LLC
Dina Kenley, Neighbor

Heard: January 12, 2022; Decided: February 23, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
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 requests that the Board approve a variance from Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Petitioners proposes to obtain a building permit for the construction of a two-story house with basement, deck with steps, covered porch with steps, a two-car garage, driveway and concrete walk. A variance of 15 feet front building line width was requested.

Evidence Presented

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

1. The property was subdivided in 1968 and re-subdivided in 2019, contains 15,000 square feet, is zoned R-R (One-Family Detached Residential), and improved with a single-family dwelling and driveway. Exhs. 2, 8, 9 and 10 (A) thru (H).

2. The subject property is long at 300 feet in length and 50 feet in width. Exhibits (Exhs.) 2, 8, 9 and 10 (A) thru (H).

3. Petitioners proposes to obtain a building permit for the construction of a two-story house with basement, deck with steps, covered porch with steps, a two-car garage, driveway, and concrete walk. The property was subdivided by deed (without zoning review) with a front building line width of 50 feet which now requires a variance of 15 feet front building line width to facilitate any new development. Exhs. 2, 8, 9 and 10 (A) thru (H).

4. Attorney Joseph Thomas stated that the single-family dwelling on the property was built in 1900. Parris Homes, LLC and Duckling Properties, LLC are requesting a variance to demolish the existing structure and erect a new single-family dwelling, car driveway (33 feet wide by 62 feet in length) and two-car garage.¹ Exhs. 2, 3 (a) thru (c) and 4 (A) thru (D).

¹ Stefan Swan clarified that the house has not yet been demolished and they are waiting for approval of the building permit before razing the building in time for excavation. Exhs. 2 and 8.

5. He further stated that the property is the smallest property in the neighborhood and currently is a blight in the community. Exhs. 2, 3 (a) thru (c) and 4 (A) thru (D)

6. Counsel stated that on July 17, 2019, the subject property (on Parcel 265) was brought before the Board in V-54-19 for which a variance was granted in order to rebuild the house. He stated that the house required renovation after the structural engineer discovered that the condition of the property was not sound. He stated that the variance expired prior to any renovation. Exhs. 2, 3 (a) thru (c) and 4 (A) thru (D)

7. Ms. Kenley (8817 Sterling Street), was concerned that since the two companies own 4 adjoining lots, why cannot they use a portion of one of the other lots for building the dwelling.^{2 3}

8. Mr. Swan responded by saying that a very extensive process has already taken place dealing with obtaining permits to demolish and rebuild the dwelling on the subject lot. He stated that they did think about joining two lots as one site because of the existing agreements relating to the property.

9. Board Member Scott questioned whether the two-car driveway was in character of the neighborhood. Mr. Thomas responded that several photographs were submitted to demonstrate that this feature of the home is consistent with the neighborhood. Exhs. 11(A) thru (B).

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 Parcel 265 being narrow (50 feet wide), the prior Board approval of a variance related the width of the lot, the variance had expired, the structural condition of the current dwelling is considered unsound, the structure must be demolished, the property is a blight in the community 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.

² The Board recognizes that the issue of the removal of trees on adjoining lots was raised; however, the primary issue before the Board is the efficacy of the need of a variance because of the narrowness of the lot.

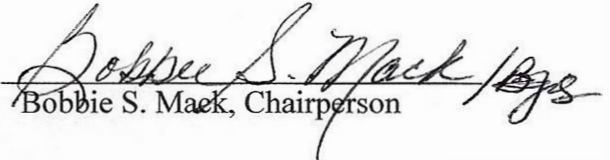
³ Section 27-229 - Powers and duties; (b) (9) (10). Petitioner is not requesting a variance of "Net Lot Area".

(9) Grant a variance to any minimum net lot area requirement which would allow the recording of a subdivision plat for two (2) or more lots which have less than the minimum net lot area for the zone in which the property is located, unless the Planning Board approves a subdivision plat subject to the granting of the variance.

(10) Grant a variance to any minimum net lot area requirement which would allow development on each of two (2) or more abutting lots in the same ownership that could be combined or resubdivided to conform to the minimum net lot area requirements of the zone in which the property is located, unless the Planning Board approves a subdivision plat subject to the granting of the variance.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 15 feet front building line width in order to obtain a building permit for the construction of a two-story house with basement, deck with steps, covered porch with steps, a two-car garage, driveway and concrete walk on the property located at Parcel 265, Map 52, Grid C4, being 8813 Sterling Street, Landover, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (e).

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.

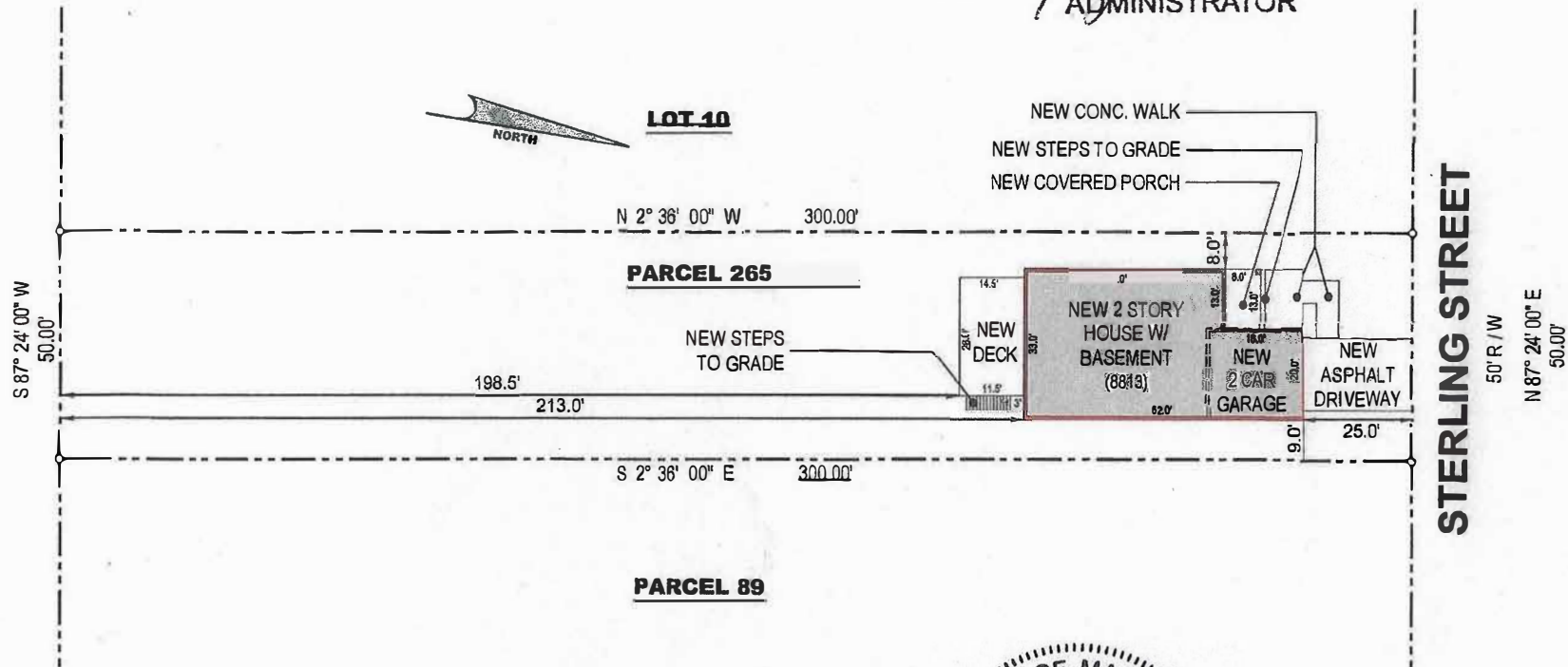
Further, Section 27-233(a) of the Prince George's County Code states:

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 FEB 23 2020

R. Hostalley
ADMINISTRATOR



NOTES:

1. THE PROPERTY SHOWN HEREON IS IDENTIFIED AS TAX MAP #2201184 AMONG THE ASSESSMENT RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND.

2. THE PROPERTY IS NOW IN THE NAME OF PARRIS HOMES LLC & DUCKLING PROPERTIES BY DEED, RECORDED IN D.B. 41803 P.G. 347 AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND.

ARCHITECTURAL SITE PLAN NOTE:

PLAN BASED ON HOUSE LOCATION SURVEY PLOT CREATED BY EXACTA MARYLAND SURVEYORS DATED 03.20.2019

PROFESSIONAL CERTIFICATION:

I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NUMBER: 17148
EXPIRATION DATE: NOVEMBER 20, 2020



EXH. # 2
V-118-21

8813 STERLING STREET, LANDOVER MARYLAND 20785

PROPOSED ARCHITECTURAL SITE PLAN

SK-1.2 RICH HOSTALLEY

SCALE: 1" = 30'-0" 04.15.2019

ARCHITECT *rho*

BOARD OF APPEALS

APPROVED FEB 23 2020

B. Stone
ADMINISTRATOR



(a)

EXH. # 3(a-e)
V-118-21

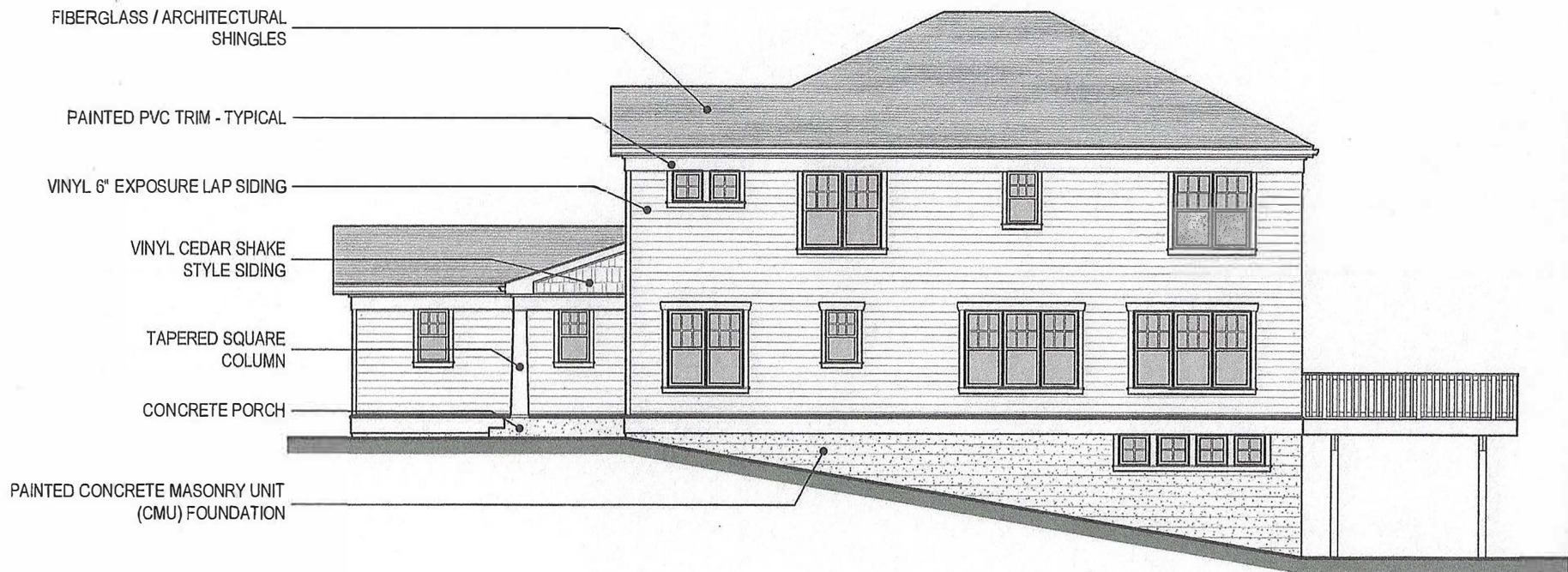
8813 STERLING STREET, LANDOVER MARYLAND 20785
PROPOSED FRONT (NORTH) ELEVATION

SK-3.1 RICH HOSTELLEY
ARCHITECT rho
SCALE: 1/8" = 1'-0" | 04.15.2019

BOARD OF APPEALS

APPROVED FEB 23 2020

[Signature]
ADMINISTRATOR



(b)

8813 STERLING STREET, LANDOVER MARYLAND 20785
PROPOSED RIGHT SIDE (WEST) ELEVATION

SK-3.2 RICH HOSTELLEY
SCALE: 1/8" = 1'-0" | 04.15.2019 ARCHITECT rhc

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APPROVED FEB 28 2020

[Signature]
ADMINISTRATOR



(c)

8813 STERLING STREET, LANDOVER MARYLAND 20785
PROPOSED LEFT SIDE (EAST) ELEVATION

SK-3.3 RICH HOSTELLEY
SCALE: 1/8" = 1'-0" | 04.15.2019 ARCHITECT rhc

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APPROVED FEB 23 2020

[Signature]
ADMINISTRATOR



(d)

8813 STERLING STREET, LANDOVER MARYLAND 20785
PROPOSED REAR (SOUTH) ELEVATION

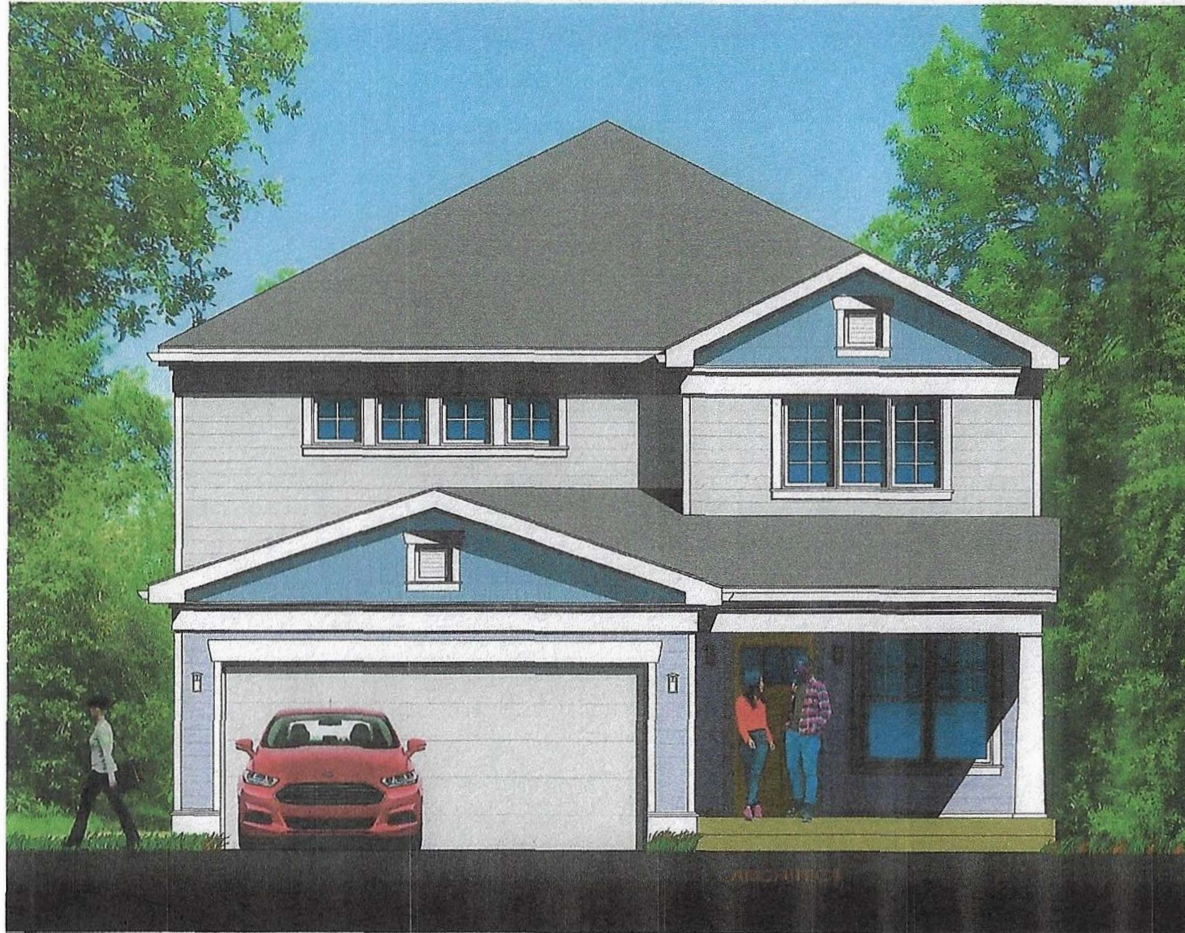
SK-3.4
SCALE: 1/8" = 1'-0" | 04.15.2019

RICH HOSTELLEY
ARCHITECT *rh*

BOARD OF APPEALS

APPROVED FEB 28 2020

B. Stone
ADMINISTRATOR



(e)

THIS EXHIBIT IS A CONCEPTUAL ELEVATION TO ILLUSTRATE A POSSIBLE DESIGN CONCEPT. THE FINAL DESIGN IS SUBJECT TO POSSIBLE CHANGE; THEREFORE, COLORS SHOWN ARE ILLUSTRATIVE.

8813 STERLING STREET, LANDOVER MARYLAND 20785
PROPOSED COLOR RENDERING FRONT (NORTH) ELEVATION

SK-4.1 RICH HOSTELLEY
ARCHITECT *rh*
SCALE: N.T.S. | 04.15.2019