



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-140-21 Amira Chalabi

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: January 26, 2022

CERTIFICATE OF SERVICE

This is to certify that on August 11, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink that reads "Barbara J. Stone". Below the signature, the name "Barbara J. Stone" is printed in a smaller, sans-serif font, followed by the title "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: Amira Chalabi

Appeal No.: V-140-21

Subject Property: Lots 10 and 11, Block 76, Great Capitol Heights Subdivision, being 1303 Capitol Heights Blvd., Capitol Heights, Prince George's County, Maryland

Witness: Ziad Chalabi, Husband, Applied Civil Engineering

Heard and Decided: January 26, 2022

Board Members Present and Voting: Albert C. Scott, Vice Chairman

Anastasia T. Johnson, Member

Board Member Absent: Bobbie S. Mack, Chairperson

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 a variance 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) 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 lot shall have a side yard at least 8 feet in width. Petitioner proposes to obtain a building permit for the construction of a single-family dwelling. Variances of 1,000 square feet net lot area and 3 feet each side yard width is requested.

Evidence Presented

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

1. The property was subdivided in 1909, contains 4000 square feet, is zoned R-55 (One-Family Detached Residential). There are no improvements on this lot. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (B).
2. The subject property is very narrow with the width being 30 feet. The property is located on a hill running north on Capitol Heights Blvd.¹ Exhs. 2, 4, 8, 9 and 10 (A) thru (B).
3. Petitioner proposes to obtain a building permit for the construction of a single-family dwelling. A variance of 1,000 square feet net lot is requested. Due to the lot being subdivided in 1909 and not meeting the current requirement of 5,000 square feet under the Zoning Ordinance, a variance of 1,000 square feet is requested. In addition, a variance for 3 feet for each side yard is requested, as each side yard after the proposed construction will not meet the current code requirement of 8 feet side-yard. Exhs. 2, 3 (a) thru (d) and 5.
4. Engineer Ziad Chalabi stated that if the Board does not approve the variances, construction cannot occur on the property.
5. He explained that before the County built Capitol Heights Blvd, lots 10 and 11, Block 76 were larger than what they are now, but portions of the subject lots were "taken" in order to build Capitol Heights Blvd. as referenced on the subdivision plat. Exh 4.

¹ The subject property is not located within the town limits of Capitol Heights. Exh. 8.

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

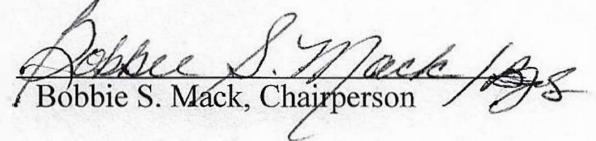
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to "road taking" of portions of the subject property to build Capitol Heights Blvd, the net lot area being reduced to 4,000 feet, the narrowness of the property affecting the size of each side yard, the topography of the property containing slopes in the rear, the land is currently unimproved property 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. Bobbie Mack absent, that variances of 1,000 square feet net lot area and 3 feet each side yard width in order to obtain a building permit for the construction of a single-family dwelling. on the property located at 1303 Capitol Heights Blvd Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (d).

BOARD OF ZONING APPEALS

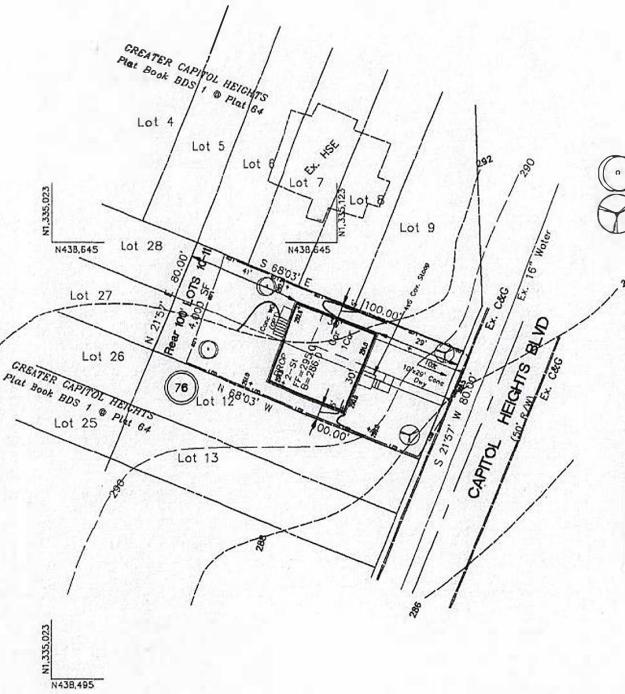
By:


Bobbie S. Mack, ChairpersonNOTICE

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.



LEGEND

PROPERTY LINE	-----
EXISTING LOT LINES	-----
R/W BASE LINE	-----
EXISTING ASPHALT	-----
EXISTING TREE LINE	Wavy line
EX CONCRETE CURB	Ex. Curb
EX CONC SIDEWALK	Ex. Sidewalk
PROPOSED CONTOUR	Ex. Contour
SOIL DIVIDE	CeC
SOIL TYPE	CdD
URCD	URCD

LIMIT OF DISTURBANCE/ SILT FENCE LOD

STABILIZED CONSTRUCTION ENTRANCE

REVISIONS

DESIGNED:	DATE	BY
DATE		
DRAWN:	DATE	
CHECKED:	DATE	
APPROVED:	DATE	

Sample Schedule for Section 41-1
Residential Requirements for One-Family Detached Lots
Under 5,500 square feet

1) Lot Size Range
2) Number of lots:
3) Total number of trees required per lot:
4) Total number of trees provided:
5) Number of shade trees required per lot to be located on the south and/or west side of the structure:
6) Total number of shade trees provided on the south and/or west side of structure:
7) Number of trees required per lot to be located in the front yard:
8) Total number of trees provided in front yards:
*Shade trees planted on the south and/or west side and within 10 feet of a residential structure, which are also located in the front yard may be counted in both 6 & 8 above.

Rear 100' of Lots 10-11

SITE ANALYSIS

1. Gross area of site = 4,000 SF
2. Net area of site = 4,000 SF
3. Gross floor area = 800 SF
4. Total lot coverage = 30%

Height of Dwelling at its Peak 35'



BOARD OF APPEALS

APPROVED JAN 26 2022


Administrator

Section 41-1
Sustainable Landscaping Requirements

1) % of native plant material required in each category:
Shade trees: total _____ 50% _____ total number required
total number provided: 2 _____ 100% _____ native
Ornamental Trees: total _____ 50% _____ total number required
total number provided: 2 _____ 100% _____ native
Evergreen Trees: total _____ 30% _____ total number required
total number provided: _____ 30% _____ native
Shrubs: total _____ 30% _____ total number required
total number provided: _____ 30% _____ native
2) Are invasive species proposed? _____ Yes _____ No
3) Are existing invasive species on site in areas that are to remain undisturbed? _____ Yes _____ No
4) If "yes" is checked in numbers 2 or 3, is a note included on the plan indicating removal of these species prior to certification? _____ Yes _____ No
5) If "yes" is checked in numbers 2 or 3, is a note included on the plan indicating removal of these species prior to certification in accordance with Section 1.5, Certification of Installation of Plant Material, of this manual? _____ Yes _____ No
5) Are trees proposed to be planted on slopes greater than 30%? _____ Yes _____ No

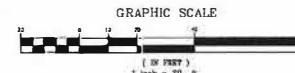
PROFESSIONAL CERTIFICATION

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under laws of the State of Maryland, license No. 20444. Expiration Date: 6/19/22.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE REQUIREMENTS OF SUBTITLE 21.1 OF THE CODE OF PRINCE GEORGE'S COUNTY WATER RESOURCES PROTECTION AND GRADING CODE, AND THAT I OR MY STAFF HAVE INSPECTED THIS SITE AND THAT DRAINAGE FLOWS FROM THIS SITE INTO DOWNHILL PROPERTIES HAVE BEEN ADDRESSED IN SUBSTANTIAL ACCORDANCE WITH APPLICABLE CODES.

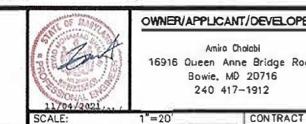
TOTAL AREA BEING DISTURBED: 3800 SF



EXH. # 2
V-140-21

SITE DEVELOPMENT AND LANDSCAPING PLAN

SITE DEVELOPMENT CONCEPT PLAN
1303 Capitol Heights Boulevard
Rear 100' of Lots 10-11, Block "76"
SEAT PLEASANT (18TH) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND



APPLIED CIVIL ENGINEERING INC.
ENGINEERING * PLANNING * SURVEYING * LAND DEVELOPMENT
& PERMIT PROCESSING
9470 ANNAPOLIS ROAD, SUITE 414
LANHAM, MARYLAND 20706
TEL. (301) 459-5932

BOARD OF APPEALS

APPROVED JAN 26 2022

B. Stone
ADMINISTRATOR



SIDE ELEVATION (RIGHT)
1/2"-1'-0"

2



FRONT ELEVATION
1/2"-1'-0"

1

DO NOT SCALE FROM PRINT

A5

JOH-20170120

Applied Civil
Engineering, Inc.
9410 Annapolis Road #414
Lanham, MD 20706
TEL: 301.459.5932

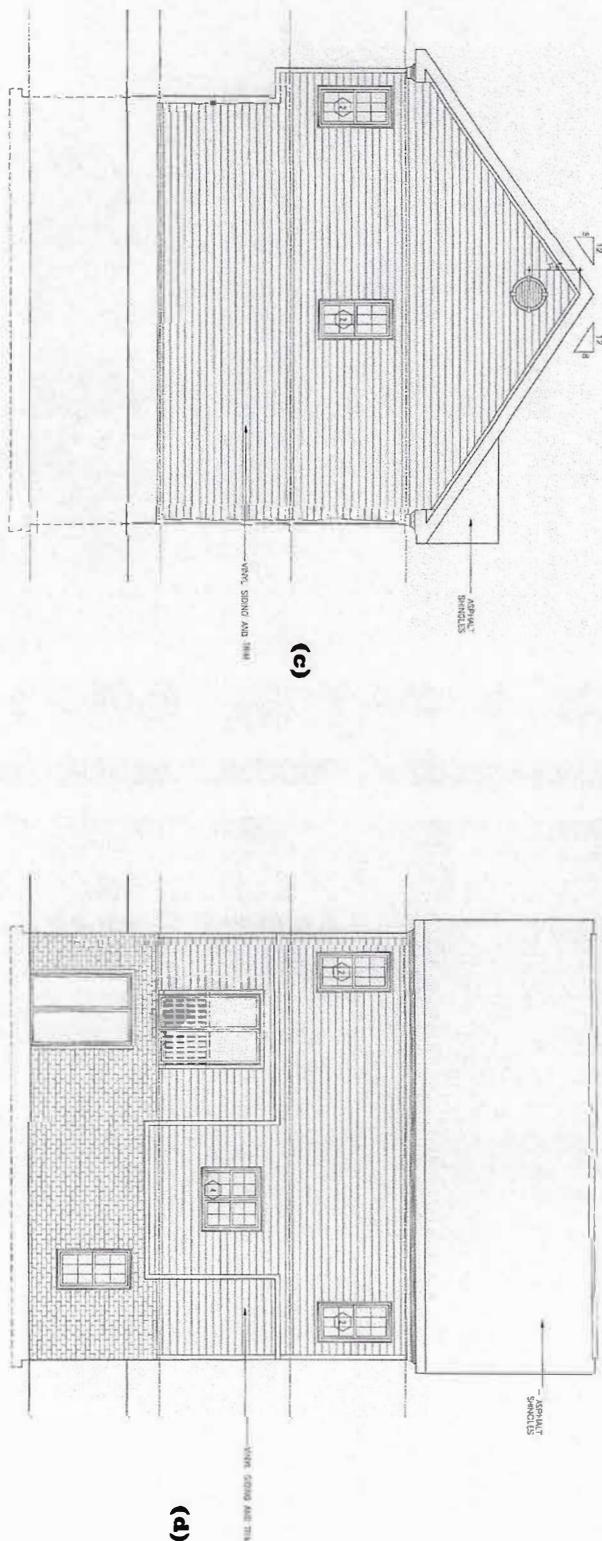
PROJ. NO.:	REV. NO.:	DATE:	DESCRIPTION
DRAWN BY: G.A. WCB			
SIGNED BY: TEL: 301.459.5932			

PROJ. TITLE:	COLONIAL
STRUCTURE:	SHIPTON
ELEVATIONS (FRONT & RIGHT SIDE)	

BOARD OF APPEALS

APPROVED JAN 26 2022

John G. Stoe
ADMINISTRATOR



PROJECT NAME: The COLONIAL

SUB ELEVATION: ELEVATIONS (REAR & LEFT SIDE)

DESIGNED BY:	REV'D.	DATE:	DESCRIPTION:	
GCI				
DRAWN BY:				
checked by:	FILE	COUNTY	PERMIT #	ISSUED
		PRINCE GEORGE'S MD		

A6

Applied Civil
Engineering, Inc.
9470 Annapolis Road #414
Lanham, MD 20706
TEL: 301.459.5932

JOB: 3017-0128