



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

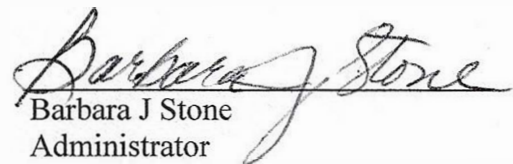
OF BOARD OF APPEALS

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.


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: 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.

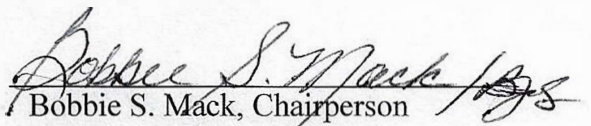
Findings of the Board

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, 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.

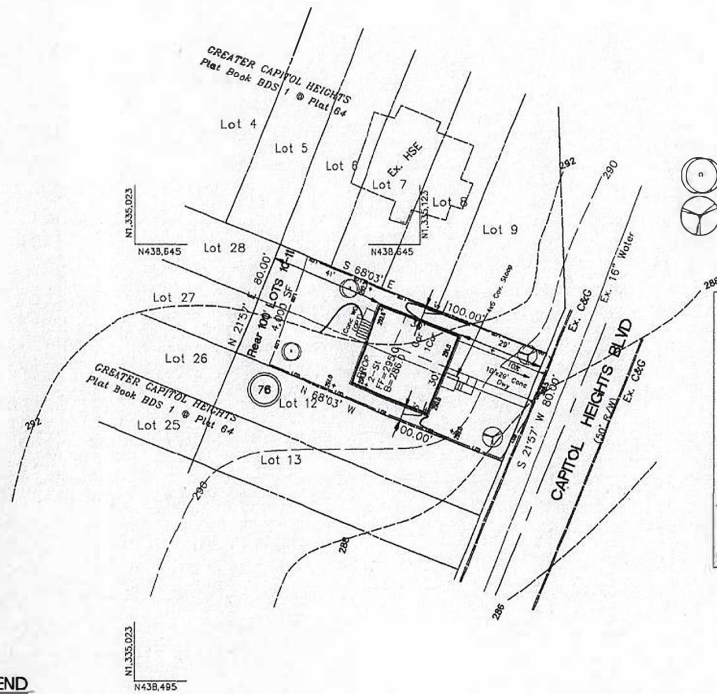
Sample Schedule for Section 4.1-1 Residential Requirements for One-Family Detached Lots	
1) Lot Size Range	Under 8,500 square feet
2) Number of lots:	1 - lots
3) Total number of trees required per lot:	1 - shade trees 1 - ornamental/evergreen trees
4) Total number of trees provided:	2 - shade trees 1 - ornamental/evergreen trees 1 - flowering shade trees (min. 2" dbh and located within 75' of a dwelling unit)
5) Number of shade trees required per lot to be located on the south and/or west side of the residential structure:	1 - shade trees
6) Total number of shade trees provided on the south and/or west side of the structure:	1 - shade trees
7) Number of trees required per lot to be located in the front yard:	1 - shade trees 1 - ornamental/evergreen trees
8) Total number of trees provided in front yards:	1 - shade trees 1 - ornamental/evergreen trees

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=	900 SF
4. Total lot coverage=	30%
Height of Dwelling at its Peak 35'	



VICINITY MAP
SCALE: 1"=200'

• House Area 30x30=900 SF
• Driveway Area 8.5x28=238 SF
• Covered Porch Area 4x6=24 SF
• Lot Cov. = (1199.5)/4000 = 0.3 OR 30%



- Prop. 2 1/2" Pin Oak
Quercus Plastrata
- Prop. 1 3/4" Flowering Cherry
Prunus Sp.

Section 4.1-1 Sustainable Landscaping Requirements	
1) % of native plant material required in each category:	
Shade trees:	Total 2 - 50% total number required Total number provided 2 - 100 % native
Ornamental trees:	Total 2 - 50% total number required Total number provided 2 - 100 % native
Evergreen Trees:	Total 2 - 30% total number required Total number provided 2 - 100 % native
Shrubs:	Total 2 - 30% total number required Total number provided 2 - 100 % native
2) Are invasive species proposed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3) Are existing invasive species on site in areas that are to remain undisturbed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4) If "yes" is checked in numbers 2 or 3, is a note included on the plan requiring removal of invasive species prior to certification in accordance with Section 1.5, Certification of Installation of Plant Material, of this manual?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5) Are trees proposed to be planted on slopes greater than 3:1?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

BOARD OF APPEALS

APPROVED JAN 26 2022

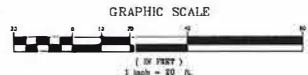
[Signature]
ADMINISTRATOR

LEGEND

- PROPERTY LINE
- EXISTING LOT LINES
- R/W BASE LINE
- EXISTING ASPHALT
- EXISTING TREE LINE
- EX CONCRETE CURB
- EX CONC SIDEWALK
- PROPOSED CONTOR
- SOIL DIVIDE
- SOIL TYPE
- LIMIT OF DISTURBANCE/ SILT FENCE
- STABILIZED CONSTRUCTION ENTRANCE

PROFESSIONAL CERTIFICATION
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 20444.
Expiration Date: 6/30/23.

CERTIFICATE OF COMPLIANCE
I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE REQUIREMENTS OF SUBTITLE 32, DIVISION 2 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 ONTO DOWNHILL PROPERTIES HAVE BEEN ADDRESSED IN SUBSTANTIAL ACCORDANCE WITH APPLICABLE CODES.
TOTAL AREA BEING DISTURBED= 3900 SF



EXH. # 2
V-140-21

DESIGNED:	DATE	BY	REVISIONS
DRAWN:			
CHECKED:			
APPROVED:			

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



OWNER/APPLICANT/DEVELOPER
Amira Dhabli
16916 Queen Anne Bridge Road
Bowie, MD 20716
240 417-1912

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

SCALE: 1"=20' CONTRACT No.: 21-26 SHEET 1 OF 1

BOARD OF APPEALS

APPROVED JAN 26 2022

ADMINISTRATOR



(a)

SIDE ELEVATION (RIGHT)
1/8"=1'-0"

2



(b)

FRONT ELEVATION
1/8"=1'-0"

1

JOHN-2017-0128

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

DESIGNED BY:	DATE	DESCRIPTION
DRAWN BY:		
CHECKED BY:		
FILE	COUNTY	PROJECT #
	PRINCE GEORGES MD	

PROJECT TITLE
The COLONIAL
SHEET TITLE
ELEVATIONS (FRONT & RIGHT SIDE)

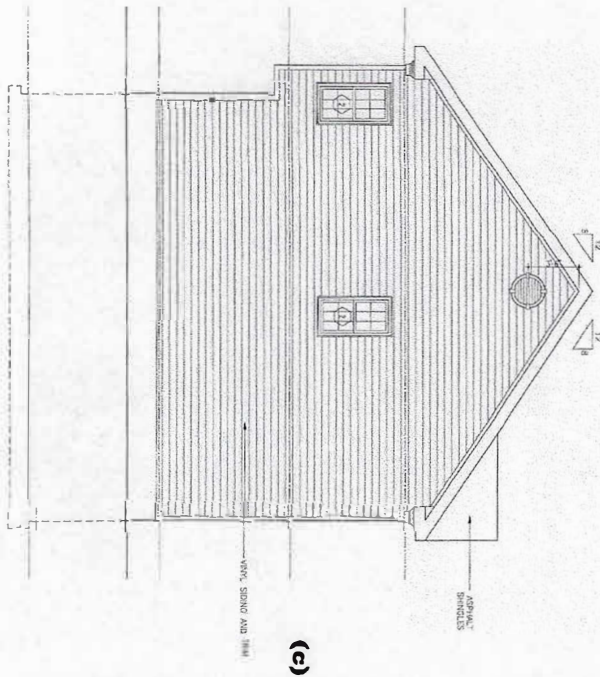
A5

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APPROVED JAN 26 2022

ADMINISTRATOR



DO NOT SCALE FROM PRINT

A6

PROJECT TITLE:
The COLONIAL
SUBSETTLE
ELEVATIONS (REAR & LEFT SIDE)

DESIGNED BY:	REVISED	DATE	DESCRIPTION
GCT			
DRAWN BY:			
WGB			
CHECKED BY:			
FILE	COUNTY	PERMIT #	FOSED
	PRINCE GEORGES MD		

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

JCH: 2017-0128