



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-2-23 Bluejay Real Estate, CO.

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: May 24, 2023.

CERTIFICATE OF SERVICE

This is to certify that on June 29, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

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: Bluejay Real Estate

Appeal No.: V-2-23

Subject Property: Lots 717,719 and Outlot A, Cedar Height Subdivision, being 5718 Jefferson Heights Drive, Fairmount Heights, Prince George's County, Maryland

Counsel for Petitioners: Rhon C. Reid, Esq. Law Offices, LLC.

Witness: Rowen Nelson, Property Owner

Heard: April 5, 2023; Decided: May 24, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Anastasia T. Johnson, Member
Carl Isler, Member
Teia Hill, Member
Renee Alston, 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 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 27-3316 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e) of the Zoning Ordinance, which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line, a front yard at least 25 feet in depth and a side yard at least 8 feet in width. Petitioners propose to validate existing conditions (lot width, front yard setback and side yard width) to construct a 21.25' x 23.6' two story addition. Variances of 2.72 feet lot width, 20 feet front yard depth, and .5 feet side yard width are requested.

Evidence Presented

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

1. The property was subdivided in (Plat date unknown), by Deed-2022, contains 6,250 square feet per State Department of Assessment and Taxation (SDAT), and 6,320 square feet per location drawing, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling, enclosed front porch, enclosed rear porch and shed. Exhibits (Exhs) 2, 4, 6, 9, 10 and 11 (A) thru (F).

2. The subject property is rectangle in shape with an angled front property line and angled right-side property line at the rear of the property. The dwelling sits at an angle parallel to the angled front property line. Exhs. 2, 4, 6, 9, 10 and 11 (A) thru (F).

3. This property was purchased in November 2022. Exh. 9.

4. Petitioner propose to construct a 21.25' x 23.6' two-story rear addition. To validate preexisting conditions in order to obtain a building permit to construct the addition, variances of 2.72 feet lot width, 20 feet front yard depth, and .5 feet side yard width are requested. Exh. 2.

5. Attorney Rhon Reid explained that the dwelling, which was built in 1930, is only 726 square feet. With the addition, the square footage would increase to 1648 square feet. Exhs. 2, 3 (A) thru (D), and 7 (A) thru (M).

6. Ms. Nelson testified that the reason for the expansion is that the small house (726 square feet) is insufficient for the current need for livable space. She added that the house has never been renovated, does not have air conditioning, and operates on the original heating system. She stated that the only bathroom in this home is next to the kitchen on the first floor. She further stated that having a bathroom on the second floor would be more convenient and safer at night. She believed that the improvements will not negatively affect the neighborhood but will have the effect of improving and updating the dwelling in the neighborhood. Exhs. 2, 3 (A) thru (D) and 7 (A) thru (M).

7. Ms. Nelson indicated that she will be renting the property once the work is completed.

8. Ms. Nelson further testified that the rear porch will be removed, and a patio will be built once the addition is completed. Exhs. 2 and 3 (A) thru (D).

9. Board Member Isler indicated that the proposed rear patio is not shown on the site plan. Ms. Nelson was advised to add the proposed rear patio to a revised site plan. Exh. 18.

10. A revised site plan has been submitted by the Petitioner, demonstrating the proposed rear patio area on the site plan. Exh. 18.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property;
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

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 27-3613(d), more specifically:

Due to the subject property being rectangle in shape with an angled front property line, the dwelling, which was built in 1930, is sitting at an angle parallel to the angled front property line, the dwelling is only 726 square feet, the need to renovate and update the house and expand its livable space and the character of

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:

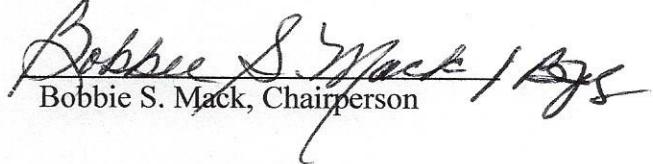
Due to

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 1,000 square feet net lot area, 10 feet front building line width, 2 feet rear yard depth/width, 8.3% net lot coverage and a waiver of the parking area location requirement in order to validate existing conditions (net lot area, front building line and waiver of the parking area) and obtain a building permit for the unauthorized construction of a driveway extension and rear covered patio on the property located at 1208 Balboa Avenue, Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved revised site plan, Exhibit 18 and approved elevation plans, Exhibits 3 (A) thru (D).

BOARD OF ZONING APPEALS

By:



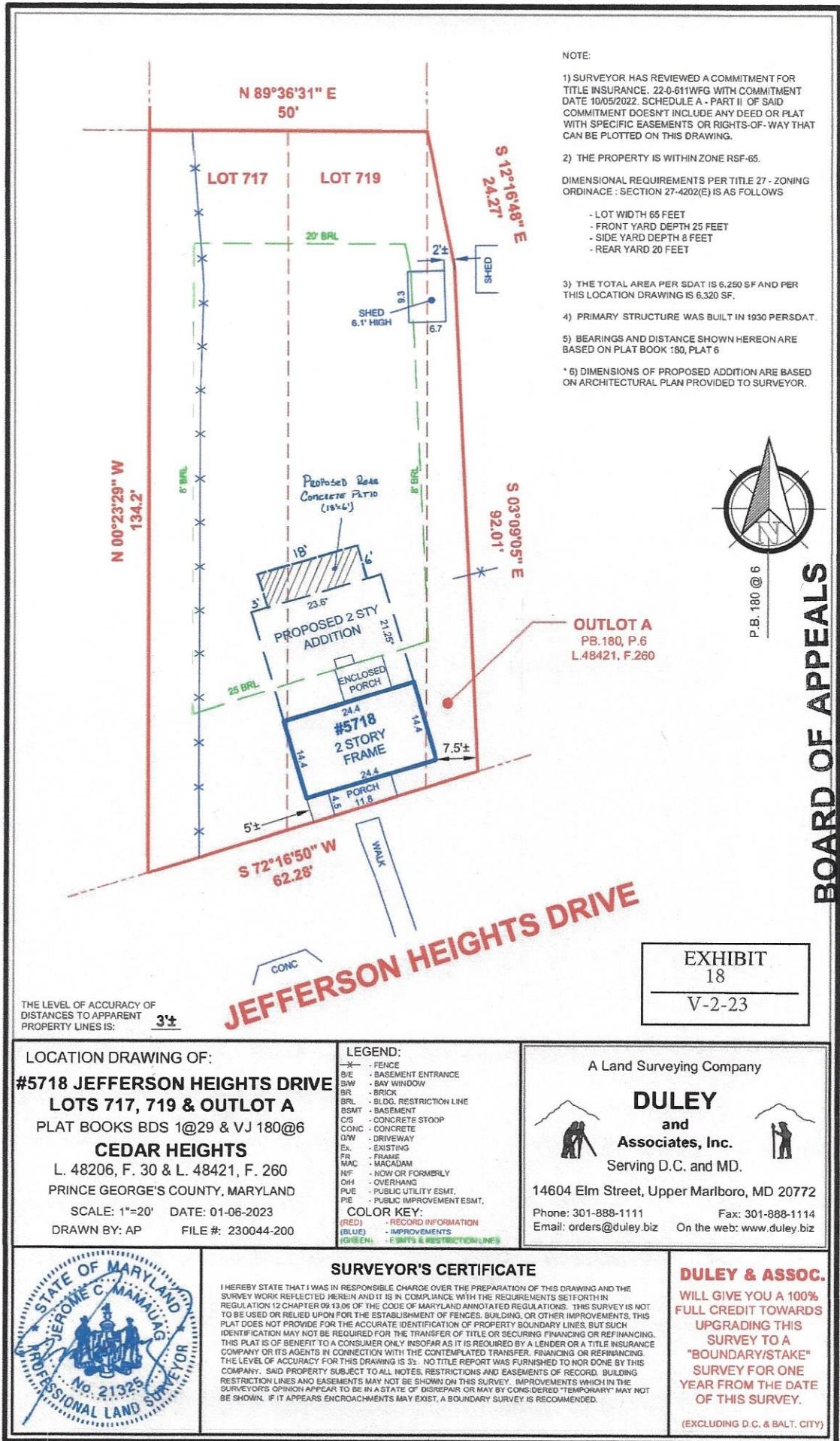
Bobbie S. Mack / Bjs
Bobbie S. Mack, Chairperson

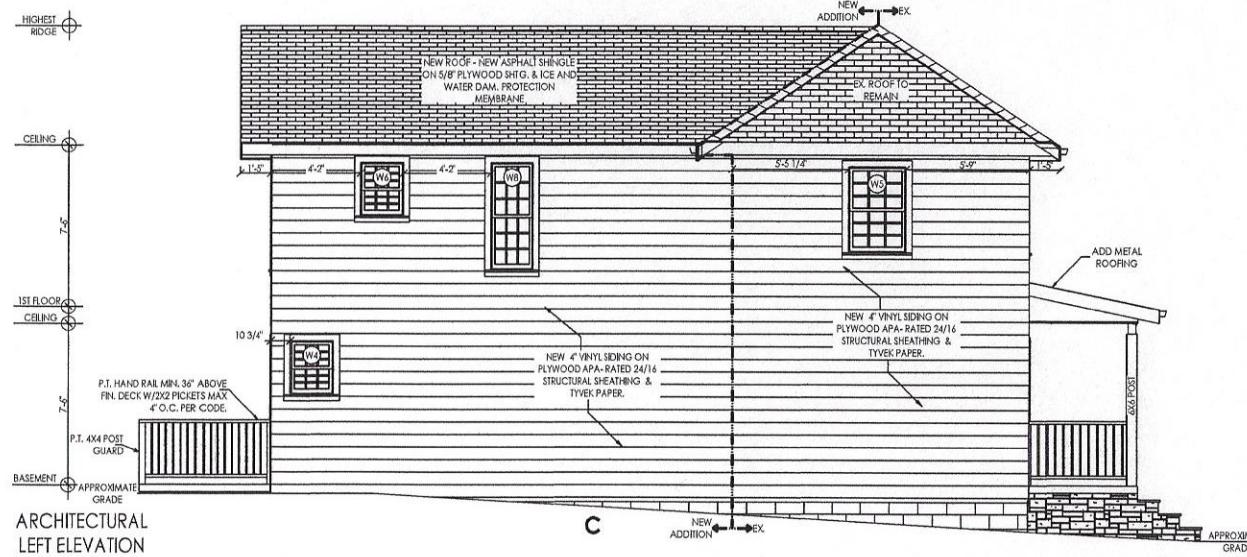
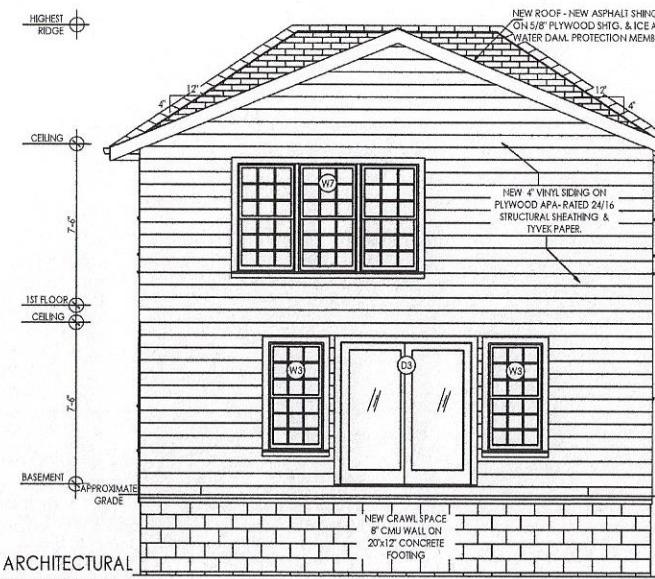
NOTICE

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 MAY 24 2023

B. Schaefer
ADMINISTRATOR

PROJECT DESCRIPTION:	5718 JEFFERSON HEIGHTS DR, CAPITOL HEIGHTS, MD 20743
DATE:	01/23/2023
SCALE:	1/4"=1'-0"
SHEET:	A-005

GENERAL NOTE

CONTRACTORS SHALL VERIFY ALL DIMENSION, GRADES, ANY OTHER SITE CONDITIONS WITH THE PROPOSED PLANS, SCHEDULE PRIOR TO COMMENCING WITH THE WORK. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAKE SURE THE CORRECT SET OF PLANS, "CONSTRUCTION SET", ARE BEING USED. ALL DIMENSIONS NOTED ± ARE TO BE ADJUSTED AS REQUIRED PER FIELD CONDITION. NEW WALL DIMENSIONS GIVEN FINISH TO FINISH, UNLESS NOTED OTHERWISE. ALL WALL INFILLS (NEW) ALONG EXISTING WALLS TO MATCH EXISTING. PATCH & REPAIR ALL FINISHES, SUBSTRATES, ETC. IN ALL AREAS AFFECTED BY THE WORK & BETWEEN SPECIFIC WORK LOCATIONS. ALL NEW WALLS TO HAVE 1/2" GYP BOARD FOR PAINT EXCEPT TILE & WET LOCATIONS WHICH ARE TO HAVE CEMENTITIOUS BACKER BOARD. TO INSTALL STRUCTURAL, CONTRACTOR IS TO REMOVE FLOOR AND/OR CEILING ASSEMBLIES AS REQUIRED TO MAKE AND/OR COMPLETE ALL WORK. TEMPORARILY REMOVE INFRASTRUCTURE SUCH AS LIGHTING, DUCT WORK, ETC. AS NECESSARY TO PERFORM WORK.

EXHIBIT

3 (A-D)

V-2-23

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. 43595, EXPIRATION DATE 06/07/2023

DRAWINGS PROVIDED BY:
Wiem
Design & Construction, LLC
5070 Annapolis Rd, Suite 100
Annapolis, MD 21401



NO. DESCRIBED
SHEET
DISPATCHED
A
APPROVAL
INTERNATIONAL STONE
PROJECT
SHEET TITLE:
ARCHITECTURAL PROPOSED -
FRONT/REAR/LEFT ELEVATION

DATE:
01/23/2023

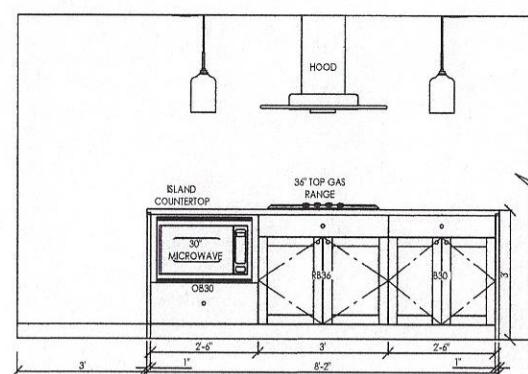
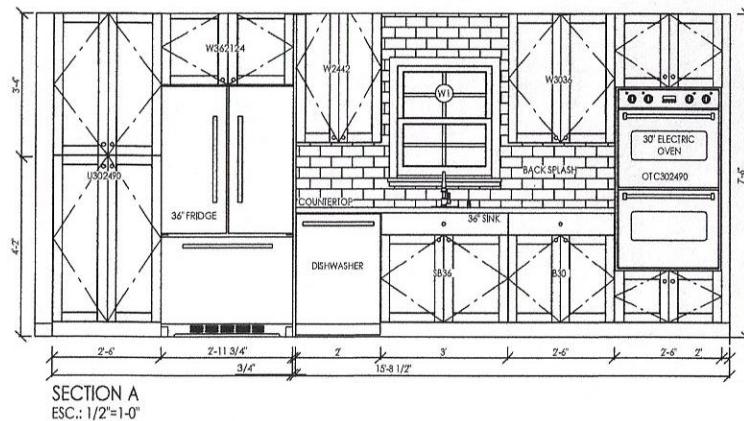
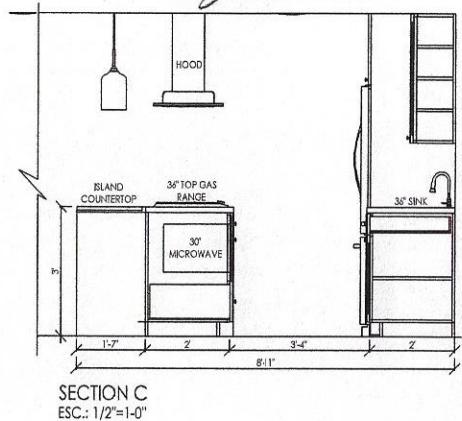
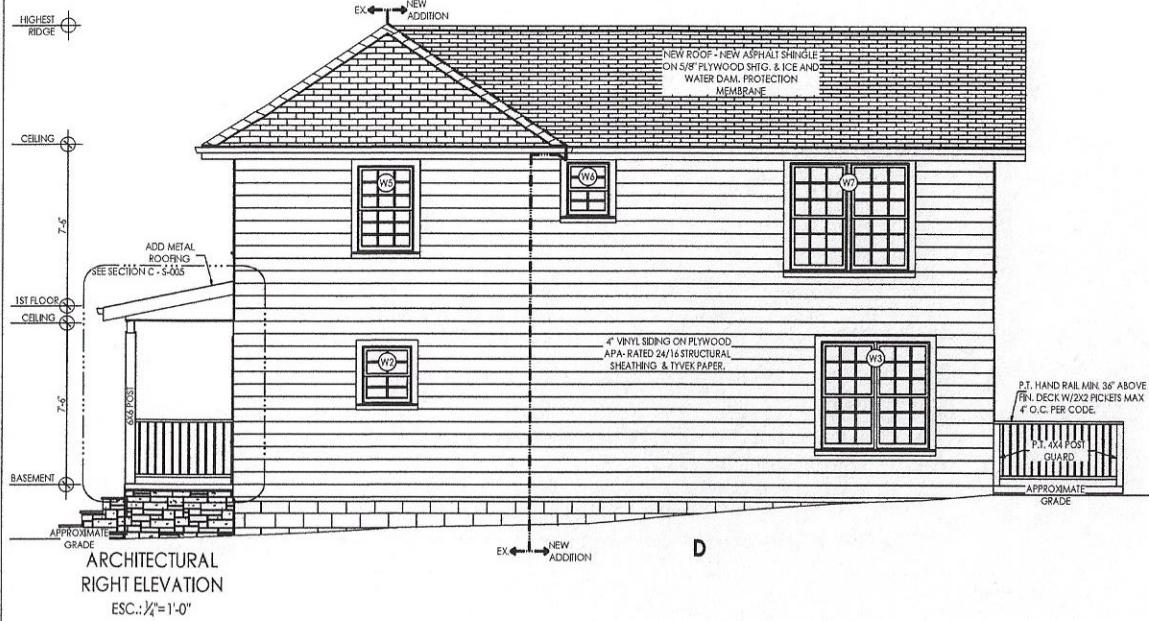
SCALE:
1/4"=1'-0"

SHEET:
A-005

BOARD OF APPEALS

APPROVED MAY 24 2023

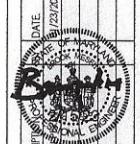
B. Stover
ADMINISTRATOR



GENERAL NOTE

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DRAWINGS PROVIDED BY:
Vican
Design & Construction, LLC
409 Southgate Ct, Gaithersburg, MD 20878
E-mail: vican@vican.com
Phone: 301-895-8590



SHEET TITLE: ARCHITECTURAL PROPOSED -
RIGHT ELEVATION & NEW
KITCHEN LAYOUT

PROJECT DESCRIPTION:	5718 JEFFERSON HEIGHTS DR. CAPITOL HEIGHTS, MD 20743
DATE:	01/23/2023
SCALE:	$\frac{1}{4}$ "=1'-0"
SHEET:	A-006

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. 43365, EXPIRATION DATE 06/07/2023

NEO AHIC (2017)