

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-82-09 Keith & Andrea Glenn

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: November 18, 2009.

CERTIFICATE OF SERVICE

This is to certify that on January 4, 2010, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Anne F. Carter
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DER, Building Code Official, Permits & Review Div.

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Keith & Andrea Glenn

Appeal No.: V-82-09

Subject Property: Lot 9, Mount Oak Estates Subdivision, being 2805 Westbrook Lane, Bowie,
Prince George's County, Maryland

Witness: Femi Odubanjo, Bethel Design Construct, Inc.

Heard and Decided: November 18, 2009

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 request that the Board approve variances from Section 27-420(a) of the Zoning Ordinance, which prescribes that fences and walls more than 6 feet high shall not be located in any required yard and shall meet the setback requirement for main buildings; Section 27-442(e)(Table IV), which prescribes that each lot shall have a front yard at least 50 feet in depth, two side yards totaling 35 feet in width with the minimum width of either side yard being 17 feet, and a rear yard at least 35 feet in depth/width; Section 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling; and Section 27-442(c)(Table II), which prescribes that not more than 10% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate and obtain a building permit for an existing 8-foot fence and circular driveway and to construct a two-story pool house with attic on crawlspace, covered porch with gazebo, one-story enclosed breezeway and two-story rotunda on crawl space. Variances of 39 feet front street line setback, 15 feet left side lot line setback, 19 feet right side lot line setback and 35 feet rear lot line setback for the existing 8-foot fence, a waiver of the parking area requirement for the existing circular driveway, and a variance of 2.28% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1984, contains 2.84 acres, is zoned R-A (Residential-Agricultural) and is improved with a two-story single-family dwelling with basement, circular driveway, parking pad, in-ground swimming pool, 8-foot fence and gravel road. The property was developed with a single-family dwelling in 2008. See Exhibits ("Exhs.") 3, 5 & 9.

2. Petitioners would like to construct a two-and-a-half story pool house addition, with attic, on a crawl space, and a one-story enclosed breezeway attaching the pool house addition to the existing dwelling. A two-story rotunda, over a crawl space, would be constructed where a turn in the breezeway creates a right angle and the pool house addition would include a covered porch with an attached gazebo. See Exhs. 3 & 4(A)-(D).

3. Variances are needed to obtain a building permit for all of the proposed development. Because construction of the additions and covered porch would cause allowable net lot coverage to be exceeded, a variance of 2.28% net lot coverage was requested. Certain other variances are also needed to validate existing conditions on the property. Because an existing 8-foot iron fence runs along the right side lot line and rear lot line and is 2 feet from the left side lot line and 11 feet from the front street line at the closest points, variances of 39 feet front lot line setback, 15 left side lot setback, 19 feet right side lot line setback and 35 rear lot line setback were requested to validate the location of the fence. In addition, because the existing circular driveway is located in front of the dwelling in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area requirement was requested to validate that existing condition. See Exhs. 3, 7 & 12.

4. Both sides and the rear of the lot are edged with Re/Afforestation Area ranging from approximately 35 to 100 feet deep except where a 10,000 square foot septic recovery area is located in the rear yard. A gravel road designated as "Temporary Construction Gravel Road" on the right side of the property extends back from the street approximately 250 feet to the proposed site of the pool house addition.

5. Petitioner Keith Glenn testified that rather than surround only the pool with the required 6-foot fence, an 8-foot fence was built around the entire property for security reasons and use of the entire yard.

6. He testified that the four-car garage contains an offset that takes four feet of one bay in the garage and stairs to the kitchen protrude four feet into a second bay, allowing room to park only two vehicles and causing the need for the additional parking pad off of the circular driveway.

7. He explained that the proposed addition, with four bedrooms, would serve as a "guest house" and accommodate pool activities.

8. Femi Odubanjo, Petitioners' architect and builder, testified that a 29-foot-long one-story enclosed breezeway connects the main house with a two-story rotunda and a 10-foot continuation of the breezeway connects the rotunda to the new pool house addition. He further stated that a covered porch on the proposed addition will overlook the pool.

9. Petitioner Glenn testified that no homeowners association has been formed. He stated that the lots in the development are all 2-6 acres in size and his lot is one of the smallest. He stated some of the lots have much larger parking pads.

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 dimensions of the property, three sides of the property being edged by a significant amount of Re/Afforestation Area, the location of a 10,000 square foot septic recovery area in the rear yard, the large amount of driveway area on the property, a circular driveway and parking pad being located in front of the house, the existing four-car garage able to accommodate only two vehicles, the need for additional parking area, the need for additional living space separated from but accessible to the main house, the need for a fence taller than six feet for security purposes, 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, unanimously, that variances of 39 feet front street line setback, 15 feet left side lot line setback, 19 feet right side lot line setback and 35 feet rear lot line setback for the existing 8-foot fence, a waiver of the parking area requirement for the existing circular driveway in the front yard, and a variance of 2.28% net lot coverage in order to validate and obtain a building permit for an existing 8-foot fence and circular driveway and to construct a two-story pool house addition, with an attic on a crawlspace and a covered porch with a gazebo, a one-story enclosed breezeway and a two-story rotunda on a crawl space on the property located at Lot 9, Mount Oak Estates Subdivision, being 2805 Westbrook Lane, Bowie, 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 3, and the approved elevation plans, Exhibits 4(A)-(D).

BOARD OF ZONING APPEALS

By: (Original Signed)
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.