

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-9-15 Zakiya and Joseph Haden, Jr.

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: March 11, 2015.

CERTIFICATE OF SERVICE

This is to certify that on April 1, 2015, 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
Waterford Mill Homeowners Association
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: Zakiya and Joseph Haden, Jr.

Appeal No.: V-9-15

Subject Property: Lot 25, Block A, Waterford Subdivision, being 13105 Hunters Ridge Lane, Mitchellville,
Prince George's County, Maryland

Heard and Decided: March 11, 2015

Board Members Present and Voting: Albert C. Scott, Vice Chairman (Acting 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 27-442(c)(Table II), which prescribes that not more than 15% of the net lot area shall be covered by buildings and off-street parking, and 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. Petitioners propose to construct a driveway extension in front of the house. A variance of 5.1%¹ net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 2013, contains 91,615 square feet of land, is zoned R-A (Residential-Agricultural) and is improved with a two-story single-family dwelling and a driveway. Exhibits ("Exhs.") 2, 3, 10 and 11. The existing single-family dwelling was built in 2014. Exhs. 10 and 11.

2. At the rear of the lot, a conservation easement makes up approximately one-third of the property and there also exists a 28,975 square foot area of 100-year floodplain. Exhs. 2 and 3. Due to the amount of floodplain area on the property, the net lot area of the subject property is 62,640 square feet. Exhs. 14 and 20.

3. Petitioners would like to construct a 3,275 square foot circular driveway extension off of the existing driveway (Exh. 2), but two variances are needed before obtaining a building permit. Since construction of the driveway extension would cause the allowed amount of net lot coverage (15%) to be exceeded and the driveway extension would be located in an area of the front yard prohibited by Section 27-120.01(c), a variance of 5.1% net lot coverage and a waiver of the parking area location requirement were requested. Exhs. 15 and 20.

4. Petitioner Joseph Haden testified that they have a large family, they host many gatherings and want sufficient driveway space to avoid an issue with parking. He further stated that the house on the subject

¹ After the case was advertised with a request for a variance of 10.1% net lot coverage (Exh. 15), it was determined that Council Bill 5-2011 amended the regulations such that 15% (rather than 10%) net lot coverage is permitted on the subject R-A zoned property. Exh. 24.

property (Exh. 4) sits farther back from the street than the model home and a house across the street, both of which have the same type of driveway that is being requested now before the Board. Exhs. 5(A) and (B).

5. The Architectural Review Committee of Waterford Mill Homeowners Association approved the request. Exh. 28.

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 large amount of floodplain area on the property, approximately one-third of the property consisting of conservation easement area, the distance of the house from the street lessening the visual impact, 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. Mack absent, that a variance of 5.1% net lot coverage and a waiver of the parking area location requirement in order to construct a driveway extension in front of the house on the property located at Lot 25, Block A, Waterford Subdivision, being 13105 Hunters Ridge Lane, Mitchellville, 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 2.

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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.