

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-92-13 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 6, 2013 .

CERTIFICATE OF SERVICE

This is to certify that on December 4, 2013 , 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
DPIE/Building Code Official, Permitting
The Woods at Woodmore Homeowners Association, Inc.
Other Interested Parties

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-92-13

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

Witness: Michael Micek, Visnic Homes, Inc.

Heard and Decided: November 6, 2013

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 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, Petitioners request that the Board approve a variance from 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 construct an attached two-car garage, addition to an existing attached garage with second story, two-story addition with basement, and extension to a pavilion. A variance of an additional 1.52% net lot coverage is 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 and is zoned R-A (Residential-Agricultural). Exhibits ("Exhs.") 2, 4 and 12. The property is improved with an existing two-story single-family dwelling, with basement, circular driveway, parking pad, in-ground swimming pool and 8-foot fence. Exh. 2. Under construction on the property are a two-story addition, with basement, and pavilion. Exh. 2. The property was developed with a single-family dwelling in 2008. Exhs. 11 and 12.

2. The Board approved variances, including a variance of 2.28% net lot coverage, in 2009 (Appeal No. V-82-09) for validation of an 8-foot fence and circular driveway, and construction of a two-story pool house addition, a covered porch with a gazebo, a one-story enclosed breezeway and a two-story rotunda. Exh. 7.

3. In addition to completing construction of the two-story addition and pavilion, Petitioners would like to construct a 27' x 34' attached one-story two-car garage, a 5' x 41.05'/7' x 15' addition to an existing attached garage with a second story, a 12' x 21' two-story addition, with basement, and a 2.5' x 23' extension to the pavilion. Because construction of the additional improvements will increase the amount of net lot coverage previously permitted, a variance of an additional 1.52% net lot coverage was requested. Exhs. 15 and 16.

4. Petitioner Keith Glenn testified that he obtained a permit to build his addition (Exhs. 9 and 22), but changes in the construction plans will exceed the allowed amount of net lot coverage. He explained that the existing four-car garage (Exhs. 3(f) and 5(D)) was incorrectly built and accommodates only two cars.

He stated that when the garage was built, insufficient depth was provided to support the water treatment system and stairs to the kitchen were placed in one of the garage bays. Exhs. 21(A) thru (D). He explained that the garage is 19.8 feet deep, their cars are 19.2 feet long, and his wife has to assist in guiding his vehicle into the garage so that he does not hit the wall of the garage.

5. Michael Micek, the Glenn's current builder, testified that after the variance of 2.28% net lot coverage was previously granted by the Board (Exh. 7), Mr. Glenn concluded that the approved elevations for the two-story addition did not fit in well with the house design. He explained that the building plan was redesigned to be more congruent with the existing house and the building permit was likewise revised (Exh. 10). He stated that the need for another variance did not come up (during the permit process), and construction began on the two-story addition. Exhs. 5(A) and (D). He further explained that an area of the addition was expanded by approximately 10 feet, which added approximately 220 square feet to the building footprint, for a larger exercise room and storage space above. He stated that a pavilion on the rear of the addition is being extended 3-4 feet to bring the center of the pavilion in line with the existing swimming pool. Exh. 5(D). He testified that these revisions triggered the permit reviewer to inform Petitioner that a larger variance for lot coverage was needed.

6. Mr. Glenn testified that the two-story addition is about 30% complete. He explained that his current house is too small for his extended family, was not built as planned and has insufficient storage space. He explained that he is the legal guardian of his permanently disabled nephew who is currently in a nursing home but will be living with him. He further explained that his nephew requires 24-hour care and room is needed to accommodate the nephew's caretakers. He explained that older relatives from North Carolina will also be living with him. He stated that the extended family has seven vehicles and his current garage only holds two cars.

7. Mr. Glenn testified that there are other very large homes in the neighborhood and the houses built on the lots in his neighborhood are required to contain a minimum of 5,000 square feet of living space. He stated that the proposed construction to his home will not make it the largest home in the neighborhood and, in fact, one of his neighbors has a 14,000 square foot house. Exhs. 6(A) thru (F). He testified that Mount Oak LLC formed an architectural committee, which has approved his building plan.

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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the dimensions of the property, existing conditions on the property, the existing four-car garage actually able to accommodate only two vehicles, the need for additional enclosed parking, the previously approved elevation plans for the two-story addition not being congruent with the existing house, new design plans for the two-story addition increasing lot coverage by 1.52%, additional living space being needed to accommodate a permanently disabled relative for which Petitioner is the legal

guardian and the necessary caretakers, the need for more storage space, extension of the one-story pavilion bringing its center in line with the existing swimming pool, 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 a variance of an additional 1.52% net lot coverage in order to construct a 27' x 34' attached two-car garage, 5' x 41.05'/7' x 15' addition to an existing attached garage with second story, 12' x 21' two-story addition with basement, and 2.5' x 23' extension to a pavilion on the property located at Lot 9, Mount Oak Estates Subdivision, being 2805 Westbrook Lane, Bowie, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, the approved elevation plans, Exhibits 3(a) through (f), and the approved supplemental elevation plan, Exhibit 20.

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.