

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-45-13 Vincent & Angelina Chukwuocha

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: October 23, 2013.

**CERTIFICATE OF SERVICE**

This is to certify that on December 2, 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  
LLG Recreation Association  
Legend Glen Community Association  
Enterprise Road Development Review District Commission

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

Petitioners: Vincent & Angelina Chukwuocha

Appeal No.: V-45-13

Subject Property: Lot 20, Block B, Lottsford Community Subdivision, being 4608 Holmehurst Way,  
Bowie, Prince George's County, Maryland

Witnesses: Tunde Oyalowo, neighbor

Lloyd Hoover, President, Legend Glen Community Association

Heard: July 10, 2013; Decided: October 23, 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 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(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a rear yard at least 20 feet in depth/width, and Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to construct a one-story addition with a second-floor deck. Variances of 15 feet rear yard depth/width and 6.4% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1988, contains 10,046 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 4, 8, 9 and 31. The existing dwelling was built in 1989. Exhs. 8 and 9.
2. The property is an odd-shaped lot located on a cul-de-sac. Exhs. 4, 31. The front street line is curved and the distance that the house is set back from the street causes the rear yard to be shallow. Exhs. 10(A) thru (E) and 31.
3. The property is located within an approved cluster subdivision. Exh. 4.
4. Petitioners would like to construct a 16' x 37'5" one-story addition, with a second-floor deck, landing and steps, on the rear of the existing dwelling, but variances are needed to obtain a building permit.<sup>1</sup> Since the addition would be located only 5 feet from the rear lot line at the closest point and the construction would cause the allowed amount of net lot coverage to be further exceeded, variances of 15 feet rear yard depth/width and 6.4% net lot coverage were requested.

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<sup>1</sup> In 2011, the Board heard Petitioners' request (Appeal No. V-53-11) for variances to construct a two-story addition, but inaction by Petitioners in the matter caused the Board to dismiss the appeal in 2012. Exh. 6.

5. Petitioner Angelina Chukwuocha testified that they would like to rebuild their sunroom which was destroyed by a storm a couple of years ago (Exhs. 5(A) thru (D) and 22) and build a deck on top of it. She further testified that the stairs off the deck will not be visible from the street. Exhs. 31, 32(d) and (e).

6. Lloyd Hoover testified that the Legend Glen Architectural Control Committee Board ("LGACCB") reviews proposed changes/improvements in the community and rejected Petitioners' initial site plan (Exh. 2) and provided Petitioners with a list of conditions, including Board approval. (Exh. 21). Petitioners resubmitted plans to the LGACCB (Exh. 26) which generated more comments (Exh. 27) and caused Petitioners to revise the site and elevation plans submitted to the Board. Exhs. 31 and 32(a) thru (f).<sup>2</sup>

#### 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 unusual shape of the property, the property being located on a cul-de-sac, the front street line being curved, the location of the existing house on the lot, the shallowness of the rear yard, an existing addition having been damaged in a storm, the proposed construction including a replacement addition and an opportunity to build a second-level deck, the property being located within an approved cluster subdivision, the proposed addition with deck meeting the definition of a home improvement as defined in Zoning Ordinance Section 27-107.01(a)(117.1), 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 15 feet rear yard depth/width and 6.4% net lot coverage in order to construct a 16' x 37'5" one-story addition, with a second-floor deck, landing and steps, on the property located at Lot 20, Block B, Lottsford Community Subdivision, being 4608 Holmehurst Way, Bowie, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in

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<sup>2</sup> The proposed addition with deck is a home improvement as defined in Zoning Ordinance Section 27-107.01(a)(117.1).

compliance with the approved revised site plan, Exhibit 31, and the approved elevation plans, Exhibits 32(a) thru (f).

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.