



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-28-23 George and Annette Paajanen

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: June 14, 2023.

CERTIFICATE OF SERVICE

This is to certify that on September 21, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Barbara J Stone", is written over a horizontal line.

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

Petitioners: George and Annette Paajanen

Appeal No.: V-28-23

Subject Property: Parcel 27, Tax Map 151, being 703 Bryan Point Road, Accokeek, Prince George's County,
Maryland

Heard and Decided: June 14, 2023

Board Members Present and Voting: Bobbie S. Mack Chairperson
Wm. Carl Isler, Acting Vice Chair
Renee Alston, Member
Teia Hill, Member

Board Member Absent: Anastasia 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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4201(c)(2) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 217,800 square feet, a minimum width of 300 feet measured along the front building line (lot width) and 240 feet measured along the front street line (lot frontage), a maximum lot coverage of 5%, a minimum front yard depth of 50 feet, a minimum side yard width of 20 feet, and a minimum rear yard depth of 20 feet. Petitioners propose to validate existing conditions (net lot area, lot width and lot frontage) and obtain a building permit for the construction of a 16' x 26' garage addition to include a 440 square foot workshop. Variances of 185,043 square feet net lot area, 122 feet lot width, 32 feet lot frontage and 8.6% lot coverage are requested.

Evidence Presented

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

1. The property was transferred by deed, contains 32,757 square feet, is zoned AG (Agriculture and Preservation) and is improved with a single-family dwelling, a circular driveway with connected carport, deck and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) through (F).
2. The subject property is irregular in shape and is located on a corner lot with Farmington Road being the legal front yard and Bryan Point Road being the legal side street. The dwelling faces the intersection of both streets. Exhs. 2 and 4.
3. Petitioners propose to validate the existing conditions (net lot area, lot frontage and lot width) and obtain a building permit for the construction of a 16' x 26' garage. Variances of 185,043 square feet net lot area, 122 feet lot width, 32 feet lot frontage and 8.6% lot coverage are requested. Because the property was developed by deed, zoning review was not required. The current request for a variance for lot coverage includes the added square footage of the new garage area. Exhs. 2, 4, 7, 8 and 9 (A) through (F).

4. Petitioner George Paaanen testified that the house was built in 1956 and is less than 1,500 square feet. Exhs. 2 and 7.

5. He stated that the proposed construction would convert the carport to a single-car garage with space for a workshop on the right where the original carport was located. The dwelling has no basement or usable attic space that could be used as a workshop area. Exhs. 2, 3 (A) through (C) and 5 (A) through (O).

6. The petitioner testified that there would be electricity and heat provided in the new garage.

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:

(d) 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 subject property being a corner lot and irregular in shape, the dwelling facing the intersection of both streets, the property being subdivided by deed in 1954 and not complying with current zoning requirements, the need to validate certain property conditions in order to obtain permit(s) for the renovation (garage), the dwelling being small in size and has no basement, the need for a storage area and a work area, 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 a Variances of 185,043 square feet net lot area, 122 feet lot width, 32 feet lot frontage and 8.6% lot coverage in order to validate existing conditions (net lot area, lot frontage, lot width) and obtain a building permit for the construction of a 16' x 26' garage addition to include a 440 square foot workshop on the property located at

703 Bryan Point Road, Accokeek, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2, and approved elevation plans, Exhibits 3 (A) through (C).

BOARD OF ZONING APPEALS

By: Bobbie S. Mack
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(c)(10)(B) 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.

Approved for Legal Sufficiency

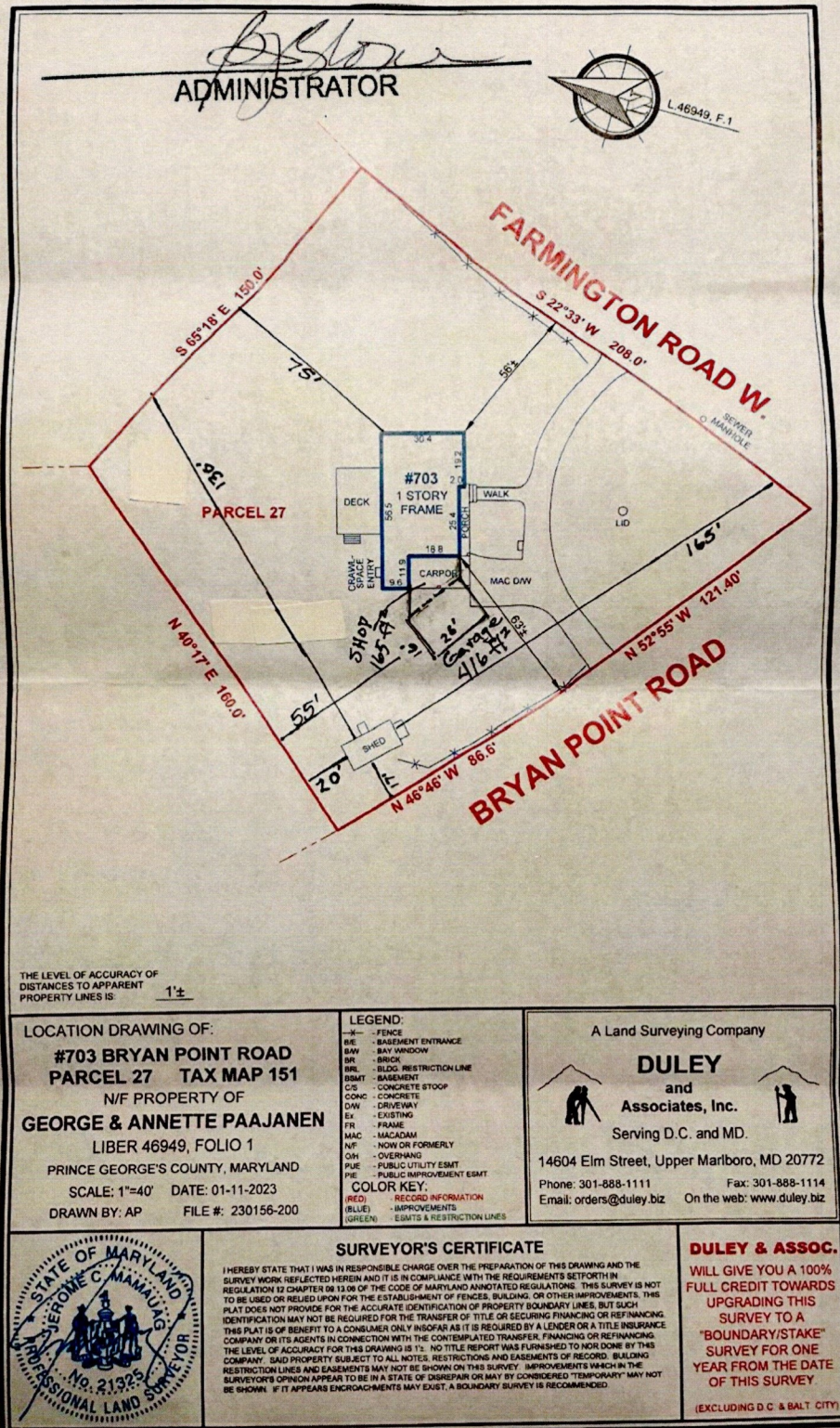


Signature: Ellis F. Watson
Ellis F. Watson (Sep 18, 2023 14:20 EDT)

Email: efwatson@co.pg.md.us

BOARD OF APPEALS

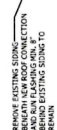
APPROVED JUL 14 2023



EXHIBIT

2

V-28-23

[illegible]

APPROVED JUL 14 2023

ADMINISTRATOR