



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-69-23 Michael & Melissa Pope

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 29, 2023.

CERTIFICATE OF SERVICE

This is to certify that on January 18, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone", is placed 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: Michael & Melissa Pope

Appeal No.: V-69-23

Subject Property: P/O Lot 13, Block B, West Laurel Acres Subdivision, being 5904 Maple Terrace, Laurel,
Prince George's County, Maryland

Heard and Decided: November 29, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Carl Isler, Vice Chairman

Renee Alston, Member

Teia Hill, Member

Board Member Absent: 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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(c) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 20,000 square feet, a minimum width of 70 feet measured along the front street line (lot frontage), a maximum lot coverage of 25%. Section 27-5202 (c)(5) of the Zoning Ordinance prescribes that unless otherwise provided in Section 27-5203, Standards Specific to Accessory Uses and Structures, accessory uses or structures may be located in a required side yard or rear yard, provided an accessory structure, other than a fence or wall, that is more than ten feet in height is set back from the nearest side or rear lot line one foot for every foot (or fraction thereof) the structure's height exceeds ten feet. Petitioners propose to validate existing conditions, construct a 20'x20' garage and replace existing driveway and apron. Variances of 9,381 square feet net lot area, 9.1 feet lot frontage, 4.7% lot coverage, 2 feet side lot line setback and 2 feet rear lot line setback for an accessory building (garage) are requested.

Evidence Presented

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

1. The property was subdivided in 1960, contains 10,619 square feet, is zoned RR (Residential, Rural) and is improved with a single-family dwelling, driveway, garage, fence and shed. Exhibits (Exhs.) 2, 4, 5, 6, 9, 10 and 11 (A) thru (F).

2. The subject property is rectangular in shape with the rear lot line being wider (90') and the front lot line being narrower (60.90'). The subject lot is the south portion of Lot 13 as described in recorded Deed L. 2110 F. 411. This property is not within the city limits of Laurel. Exhs. 2, 4, 5, 6, 9, 10 and 11 (A) thru (F).

3. Petitioners propose to validate existing conditions, construct a 20'x20' garage and replace existing driveway and apron. Variances of 9,381 square feet net lot area, 9.1 feet lot frontage, 4.7% lot coverage, 2 feet side lot line setback and 2 feet rear lot line setback for an accessory building (garage) are requested. Exhs. 2, 3 (A) thru (C), and 7 (A) thru (E).

4. Petitioner Michael Pope testified that they are proposing to remove the shed and install a new 20' x 20' garage at the rear of the property. The Petitioners testified that they have had several break-ins to their cars and the new garage will secure their vehicles from further damage. The location of the proposed garage will be located at the only flat area on the property. The unique topography demonstrates a downslope from the street to the rear of the property. The preexisting driveway is deteriorating, and Petitioners are proposing to replace the driveway. The driveway will not be any larger than the existing. The apron will also be replaced as the current apron is sinking and deteriorating. Exhs. 2, 3 (A) thru (C), and 7 (A) thru (E).

5. Administrator Stone noted for the record, that the site plan indicates, per the Site Road Approved Plan, that the "green highlighted area" indicates that a small portion of the driveway will be removed. Exh. 2.

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 the unique and severe topographic slope of the property, the proposed garage will be placed on the only flat area on the property, the garage will provide a secure area for their vehicle, the replacement of the deteriorating driveway and apron, 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. Furthermore, the variance will not substantially impair the use and enjoyment of adjacent properties, and the practical difficulty was not self-inflicted by the Petitioners.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Johnson absent, that variances of 9,381 square feet net lot area, 9.1 feet lot frontage, 4.7% lot coverage, 2 feet side lot line setback and 2 feet rear lot line setback for an accessory building (garage) in order to validate existing conditions, construct a 20' x 20' garage and replace existing driveway and apron on the property located at 5904 Maple Terrace, Laurel, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (A) thru (C).

BOARD OF ZONING APPEALS

By: *Bobbie S. Mack*
Bobbie S. Mack, Chairperson

Approved of Legal Sufficiency

By: *Ellis Watson*
Ellis Watson, Esq.

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 27-3613 (c)(10)(B) of the Prince George's County Code states:

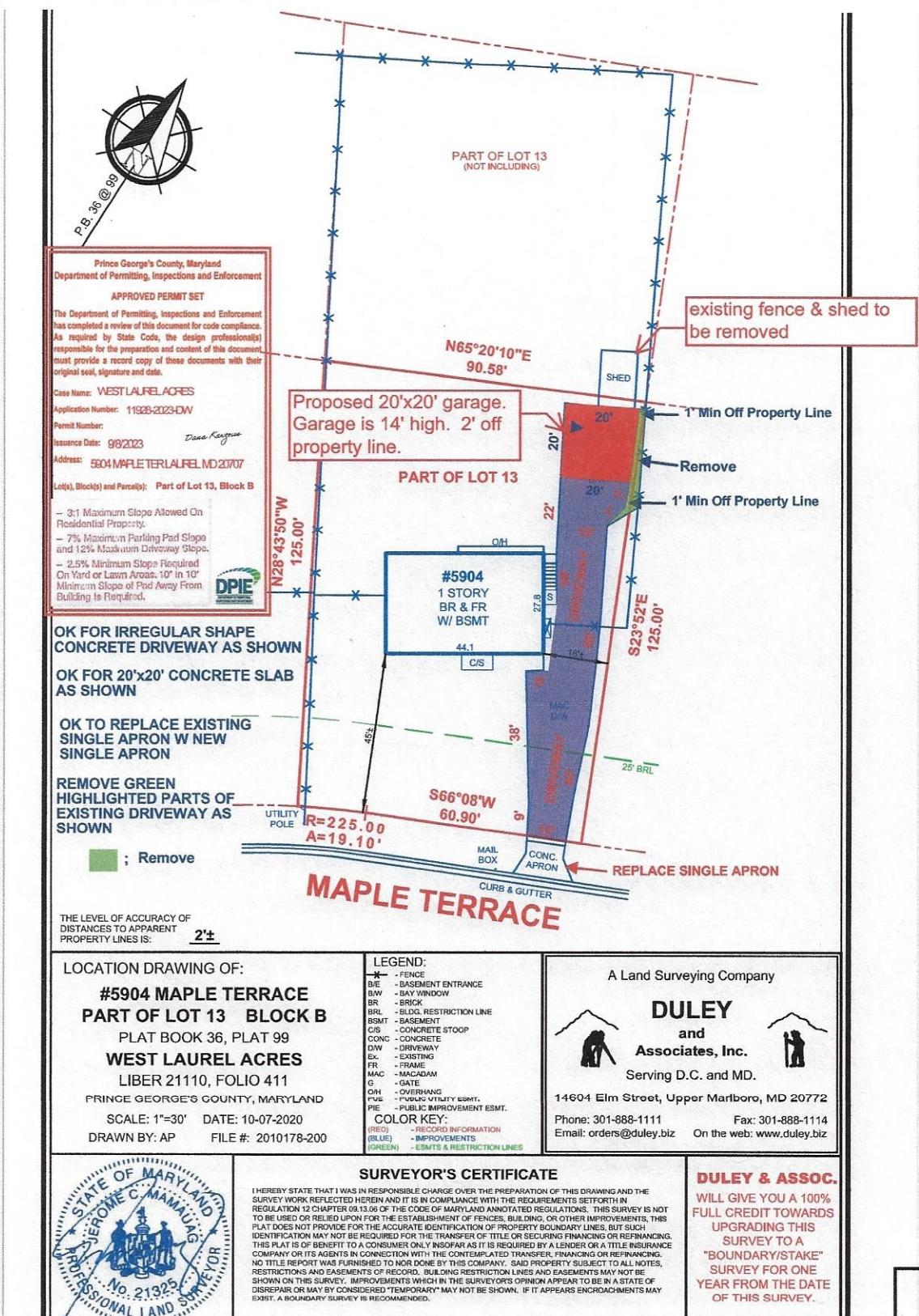
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

Signature: *Ellis Watson*
Ellis Watson (Jan 17, 2024 14:59 EST)
Email: efwatson@co.pg.md.us

Review

Measure

2010178 DRAWING.pdf V2



2010178 DRAWING.pdf V2

BOARD OF APPEALS
APPROVED *John Shope*
ADMINISTRATOR

EXHIBIT
2
V-69-23

