



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-67-23 Salvatore Pirrone and Rachel Pearl

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: January 24, 2024.

CERTIFICATE OF SERVICE

This is to certify that on April 16, 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, which appears 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: Salvatore Pirrone and Rachel Pearl

Appeal No.: V-67-23

Subject Property: Parcel 34, Tax Map 137, Grid D1, being 11400 Croom Road, Upper Marlboro, Prince George's County, Maryland

Heard: December 13, 2023; Decided: January 24, 2024

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 27-4201(c)(2), which prescribes that each lot shall have a minimum net lot area of 5 acres and a maximum lot coverage of 5%. 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 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.

Petitioner proposed to validate existing conditions (net lot area) and obtain a building permit for the construction of a proposed 25' x 30' shed, a proposed 20' x 30' carport located in the front yard, a proposed 8' x 20' driveway extension and a proposed 10' x 15' parking pad extension. A variance of 3.69 acres net lot area, 4.7% lot coverage, and a waiver of the side yard location requirement for an accessory building (carport located in the front yard) are requested.

Evidence Presented

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

1. The property was subdivided by Deed L: 40433, F: 26, contains 1.3100 acres, or 57063.6 square feet, is zoned AG (Agriculture and Preservation), and is improved with a single-family dwelling, driveway, garage, and shed. Exhibits (Exhs.) 2, 3, 6, 7, and 8 (A) thru (F).

2. The subject property has a unique irregular in shape with steep topographic slopes. Exhs. 2, 3, 6, 7, and 8 (A) thru (F).

3. Petitioner proposed to validate existing conditions (net lot area) and obtain a building permit for the construction of a proposed 25' x 30' shed, a proposed 20' x 30' carport located in the front yard, a proposed 8' x 20' driveway extension and a proposed 10' x 15' parking pad extension. A variance of 3.69 acres net lot area, 4.7% lot coverage, and a waiver of the side yard location requirement for an accessory building (carport located in the front yard) are requested. Exhs. 2, 4 (A) thru (D), 9 and 10.

An error was found on the hearing notice that the need for a lot coverage variance was erroneously omitted from the hearing notice. The case must be readvertised and rescheduled. The corrected variances will be forwarded to the Petitioner. Ellis Watson will provide an email to DPIE to advise of the advertisement.

A motion was made by Madam Chair to continue and reschedule this case. A second was made by Vice Chair Isler. Motion carried 3/0. (Mack, Isler, and Alston)

This case was reheard on January 24, 2024, as a continuance from the hearing on December 13, 2023. A corrected hearing notice was sent to all parties with the proper 15-day notice.

1. Petitioner Salvatore Pirrone testified that the proposed work is for a carport that is located in the front yard. He explained that the lot is uniquely shaped. The Petitioners do not desire to build in the front yard as the carport will be located beside the existing frame garage. The reason for the location is because of the way the property was developed over the years; they did not have a location to put the carport in the rear of the house due to the limited area to the rear. Therefore, in placing it beside the garage and by the magnitude of the size, it is slightly forward of the house, thereby closer to Croom Road than the house. He also explained that even before his proposal, there was a pole barn in this location. It was old and has been razed since they purchased the property in 2017. The previous pole barn housed farm equipment. The current proposal is to construct a carport, a shed and expand the parking area. The proposed shed is north of the existing garage. He further explained that the current house is extremely small (approximately 625 sq. ft.). They are in need of additional storage space, additionally, being a sculpturer/artist, additional space is needed to accommodate the art and supplies. Exhs. 2, 3, 4 (A) thru (D), and 8 (A) thru (F).

2. Mr. Pirrone clarified that they currently have an existing garage and a small lawn equipment shed. The proposed carport will house their cars. Exh. 2.

3. Madam Chair questioned the Petitioner regarding the need for the size of the shed he is proposing. The Petitioner stated that he is a professional artist, teaching at Mary Mount School of Art, and part of his scholarship is to maintain a studio practice. He creates sculptures and custom-built pieces being part of his scholarship. He explained that it might seem like a large space, but as a sculptor/artist, it is not large enough. Mr. Pirrone noted that it is for storage, but it will also be used as an art studio as well. He did clarify that this is not a business, and it is purely for his scholarship. No artwork is sold on the property, and the artwork is for exhibition only. In order to maintain the full-time teaching position, he has to maintain a practice where he creates art, so it is more scholarly work. He has been producing art since 2007.

4. Madam Chair explained that they must meet the criteria for variances. Petitioner explained that he is aware of the criteria for requesting the variance. He noted that his property is within the AG Zone, which is an agricultural zone. That zone assumes the property is 5 acres or larger. That is why the 5% net lot coverage is instituted, but they only have 1.3 acres. They feel as though the 5% net lot coverage places an unintended and disproportionate restriction on their ability to develop the property. This is the primary justification for the lot coverage that they are requesting.

5. Administrator Stone noted for the record, for history purposes. The lot north of the subject property and this property was originally one large lot. The net lot area would have met the agricultural zone. But being divided in half by deed, it no longer meets the regulations. When a property division is done by deed, there is not a zoning review done. This is the reason the property has very limited lot coverage. In addition to the irregular shape of the lot, and the topography being severely sloped. Mr. Pirrone noted that the property is quite steep. The house is actually sitting on a hill. This is why the driveway is curved as such. The subject property is surrounded by farmland. Exh. 2.

6. Board Member Isler noted that at the last hearing, the placement of the house was discussed and also factored in. If the house was positioned differently, and all the accessory buildings were in the rear yard, he would not need the variances. Administrator Stone noted that because of where the house is situated

on the lot, the Petitioner is limited as to where the accessory structures are located. The carport is more than 50 feet from the front property line. Exh. 2.

7. Mr. Pirrone noted that the carport will need an apron to attach to the driveway. Exh. 2.

Madam Chair made the motion to adopt the previous testimony from December 13, 2023. The motion was seconded by Vice Chair Isler. Motion carried 3/0. (Mack, Isler, and Alston)

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 variance does/does not comply with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the reduction in lot size by deed, the limited allowable net lot coverage under the AG Zone, the location of the existing dwelling, the steep topography of the lot, the unique shape of the property 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 particular uniqueness and peculiarity of the Petitioner's property being severely sloped and extremely steep would cause zoning provisions to impact disproportionately upon the property. Additionally, the Board determined that this variance is the minimum reasonably necessary to overcome the exceptional physical conditions on the Petitioner's property. No information was provided in the record that granting this variance would

substantially impair the use and enjoyment of adjacent properties. Lastly, the topographic and size of Petitioners' property was not self-inflicted; and therefore, valid.

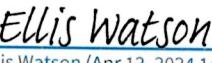
BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a variance of 3.69 acres net lot area, 4.7% lot coverage, and a waiver of the side yard location requirement for an accessory building (carport located in the front yard) in order to validate existing conditions (net lot area) and obtain a building permit for the construction of a proposed 25' x 30' shed, a proposed 20' x 30' carport located in the front yard, a proposed 8' x 20' driveway extension and a proposed 10' x 15' parking pad extension. on the property located at 11400 Croom Road, Upper Marlboro, 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 9 and 10.

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By: 

Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By: 

Ellis Watson (Apr 12, 2024 14:09 EDT)
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.

LAND OF SALVATORE PIRONE & RACHAEL L PEARL
TAX MAP 137 ~ GRID D1 ~ PARCEL 34
FOURTH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY
MARYLAND
L10000432 EDITION 2C

BOUNDARY SURVEY
LAND OF SALVATORE PARRONE & RACHEL L PEARL
TAX MAP 137 ~ GRID D ~ PARCEL 34
FOURTH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY
MARYLAND
LIBER 10433 FOLIO 26

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APPROVED 1/24/24
Barbara J. Stone
ADMINISTRATOR

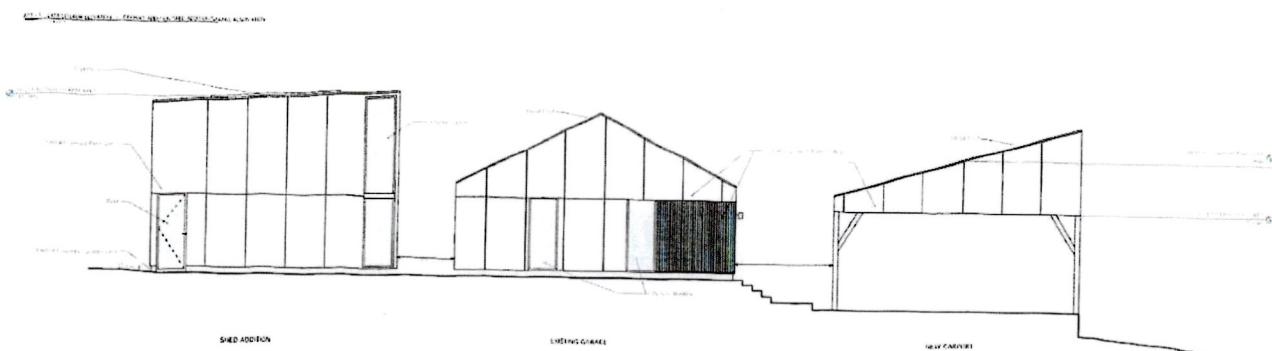
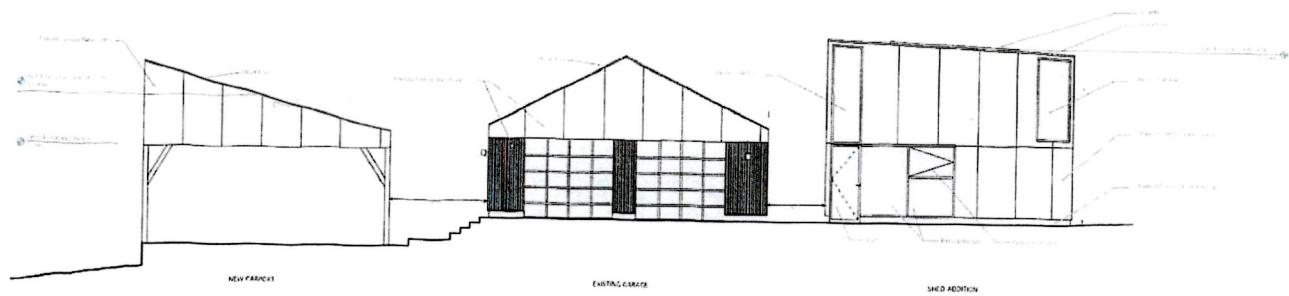


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Exh. 4 2 V-67-23

APRON/PARKING PAD PLAN

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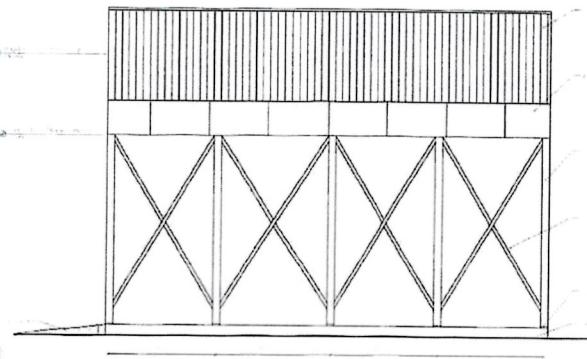
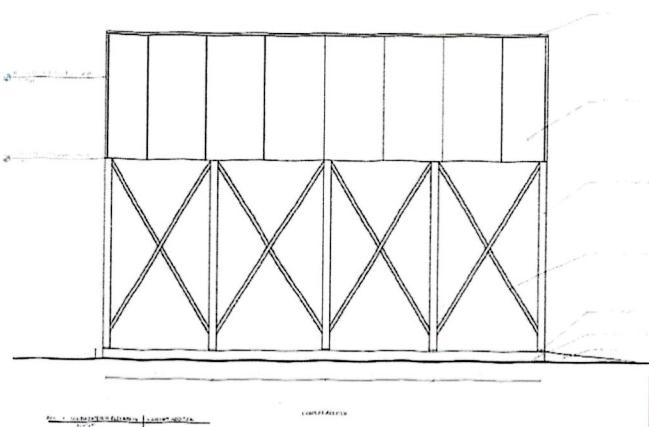
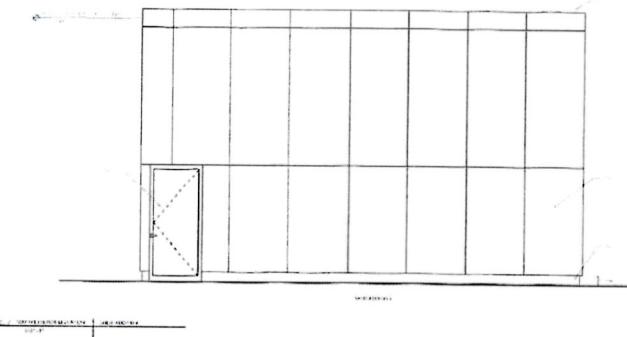
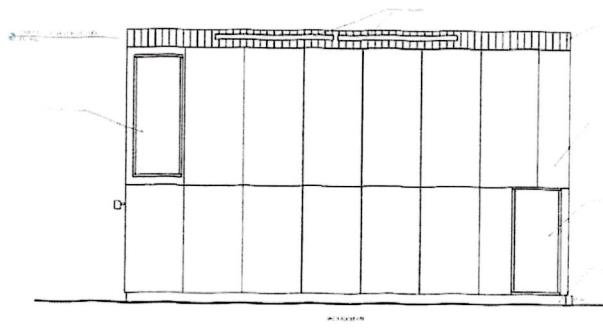
APPROVED 1/24/24

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ADMINISTRATOR



EXH. # 9
V-67-23





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Barbara J. Stone
ADMINISTRATOR



EXH. # 10
V-67-23