



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-82-23 Vancella and Van Broadus

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: March 27, 2024

CERTIFICATE OF SERVICE

This is to certify that on May 30, 2024, 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: Vancella & Van Broadus

Appeal No.: V-82-23

Subject Property: Lot 2, Chelten Woods Subdivision, being 11338 Cross Road Trail, Brandywine,
Prince George's County, Maryland

Heard and Decided: January 24, 2024; Decision: March 27, 2024

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Carl Isler, Vice Chairman
Renee Alston, Member
Teia Hill, 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 5 acres, 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%. Section 27-11002(a) prescribes that no parking space, parking area, or parking surface other than a driveway no wider than its associate garage, carport, or other parking structure may be built in the front yard of a dwelling, except a "dwelling, in the area between the front street line and the sides of the dwelling. Petitioners propose to validate existing conditions (net lot area, lot width, and lot frontage) and obtain a building permit for the construction of a two-story single-family dwelling with a basement and a circular driveway. Variances of 3 acres net lot area, 98.97 feet lot width, 46.96 feet lot frontage, 3.4% lot coverage, and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1945 prior to the adoption of the Prince George's County Zoning Ordinance, contains 2.0084 acres, is zoned AG (Agriculture and Preservation), and improved with foundation only. Exhibits (Exhs.) 2, 4, 7, 8, and 9 (A) thru (F).

2. The subject property has a unique rectangular shape as compared with surrounding parcels and has an angled rear yard. Exhs. 2, and 4.

3. Petitioners propose to validate existing conditions (net lot area, lot width, and lot frontage) and obtain a building permit for the construction of a two-story single-family dwelling with a basement and a circular driveway. Variances of 3 acres net lot area, 98.97 feet lot width, 46.96 feet lot frontage, 3.4% lot coverage, and a waiver of the parking area location requirement. Exhs. 2, 4, 7, 8, and 9 (A) thru (F).

4. Petitioner Vancella Broadus testified that 11338 Cross Road Trail was approved 23 years ago. Plans were approved, and the foundation was poured. However, the project was not completed. At this point, they are requesting that it be completed. She has two sisters, one of whom is wheelchair-bound and fully handicapped and will reside with the Petitioners. Her other sister will also reside in the residence. The Petitioner will provide health care for both of her sisters. The plans were revised after discovering she would

need to provide assistance to her sisters. The only entrance for the wheelchair is on the side of the house, through the basement. An elevator will be installed to bring the wheelchair to the 1st floor. Her older sister is 82 and will reside downstairs, so she will not be coming back and forth upstairs. When the house was designed back in 2000, there was a three-car side-load garage. She further noted that at the time, the plans were approved as the homes on both sides of the property were the same. They will be using the same plans although the County required a few upgrades. The garage must have 3 extra feet; structural plans were upgraded in regard to the lumber. The permit number is 40823-2004/04. It has been renewed twice. 15038-2010. One sister is paralyzed and is bedridden and with a wheelchair; the other sister is there to assist. Exhs. 2, 3, 5 (A) thru (F).

5. Chair Mack noted that this subject lot is a bit narrow in comparison to the surrounding lots. All three lots are different in shape. Exhs. 2 and 4.

6. Administrator Stone confirmed for Board Member Isler that the requested variances are variances of 3 acres net lot area, 98.97 feet lot width, 46.96 feet lot frontage, 3.4% lot coverage, and a waiver of the parking area location requirement. Exh. 11.

7. Ms. Broadus noted that there is an absolutely necessary space coming from the circle, as the front of the house has three steps. When coming into the driveway with the handicapped van with her sister, it has a ramp that comes out on the right side. She cannot go into the garage due to the steps. The driveway to the right is the accessible access ramp. The entrance will not have a ramp. The circle was part of the original plans. Exhs. 2, 3, 5 (A) thru (F).

8. Administrator Stone advised the Petitioner that the approved site road stamped approved plans must be submitted.

Chair Mack made a motion to hold the record for the approved site road plans. A second was made by Board Member Alston. Motion carried 4/0. (Mack, Isler, Alston, and Hill)

On February 7, 2024, the record was heard as a Discussion/Decision item. The requested plans have not been submitted. A motion was made by Chair Mack to hold the record open. A second was made by Vice Chair Isler. Motion carried 4/0. (Mack, Isler, Alston, and Hill)

On February 21, 2024, the record was heard as a Discussion/Decision item. The requested plans have not been submitted. A motion was made by Vice Chair Isler to hold the record open. A second was made by Board Member Alston. Motion carried 3/0. (Isler, Alston, and Hill)

The record was heard as a Discussion/Decision item on March 27, 2024. The petitioner has submitted the approved stamped site road plans. Exh. 16.

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 irregular shape of the lot in comparison to the surrounding lots, the need for accessible access for handicapped elderly family members, the existence of an existing foundation and an approved building permit that expired, 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, this variance is the minimum reasonably necessary to overcome the exceptional physical condition of the angled rear yard. Additionally, there is no evidence in the record that the variance would substantially impair the use and enjoyment of adjacent properties. Lastly, the house is not currently built so the practical difficulty for Petitioner's need for a variance was not self-inflicted.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Hill absent, and Ms. Mack read the record, that a variances of 3 acres net lot area, 98.97 feet lot width, 46.96 feet lot frontage, 3.4% lot coverage, and a waiver of the parking area location requirement in order to validate existing conditions (net lot area, lot width, and lot frontage) and obtain a building permit for the construction of a two-story single-family dwelling with a basement and a circular driveway. on the property located at 11338 Cross Road Trail, Brandywine, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 16, and approved elevation plans, Exhibits 3 (A) thru (D).

BOARD OF ZONING APPEALS

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

Approved for Legal Sufficiency

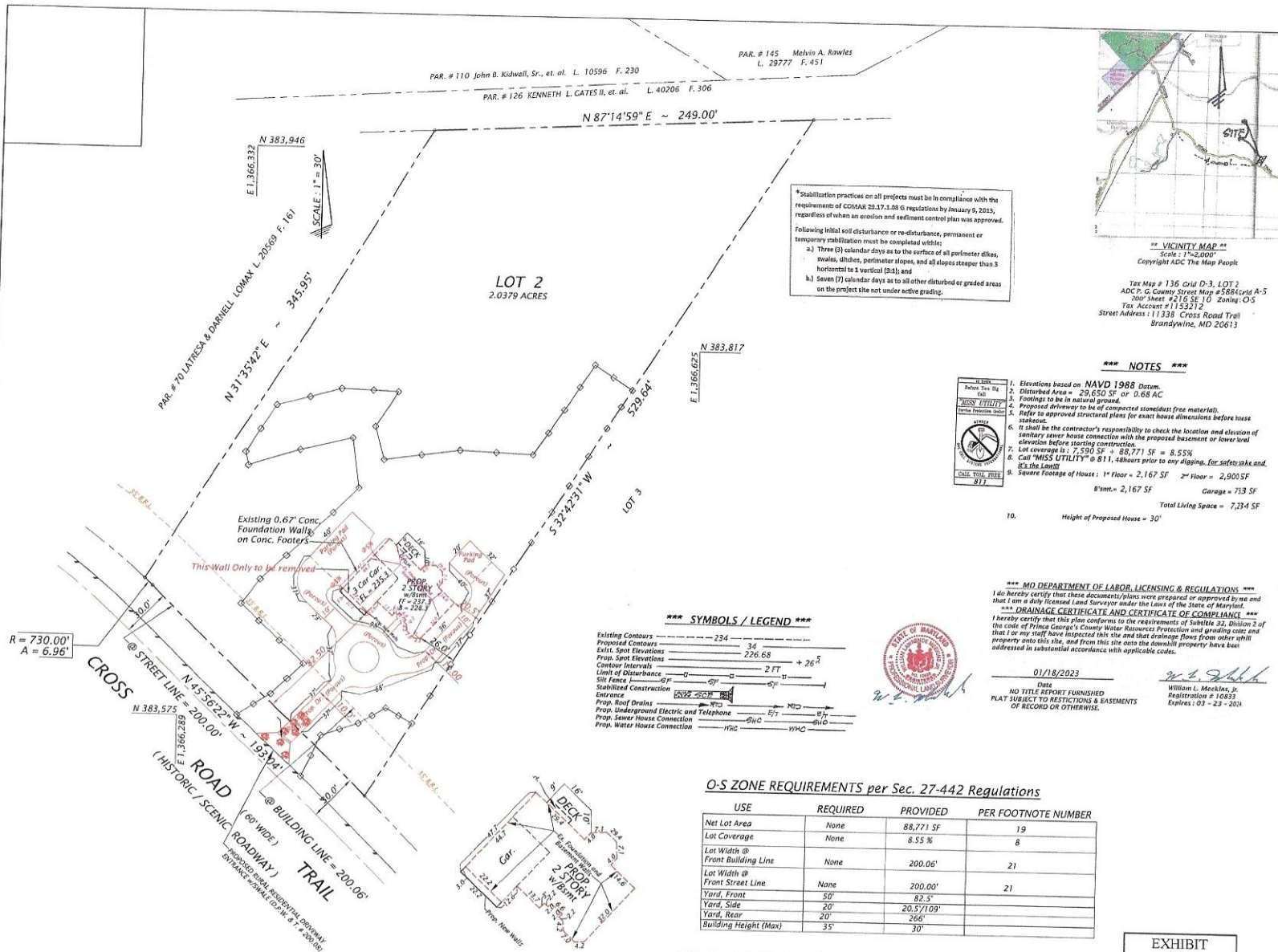
By: Ellis Watson
Ellis Watson (May 30, 2024 08:22 EDT)
Ellis Watson, Esq.

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 27-3313(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.

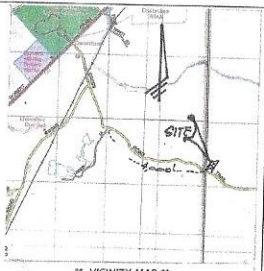


*Stabilization practices on all projects must be in compliance with the requirements of COMAR 25.17.1.88 G regulations by January 9, 2023, regardless of when an erosion and sediment control plan was approved.

Following initial soil disturbance or re-disturbance, permanent or temporary stabilization must be completed within:

a) Three (3) calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical (3H:1V); and

b) Seven (7) calendar days as to all other disturbed or graded areas on the project site not under active grading.



- *** NOTES ***
- Elevations based on NAVD 1988 Datum.
 - Disturbed Area = 20,650 SF or 0.68 AC
 - Footings to be in natural ground.
 - Proposed driveway to be of compacted stone dust (free material).
 - Refer to approved structural plans for exact house dimensions before house placement.
 - It shall be the contractor's responsibility to check the location and elevation of sanitary sewer house connection with the proposed basement or lower level elevation before starting construction.
 - Lot coverage is: 7,590 SF = 88.771 SF = 8.55%
 - Call "MISS UTILITY" @ 811, 48 hours prior to any digging. For safety sake, and to the limit.
 - Square Footage of House: 1st Floor = 2,167 SF 2nd Floor = 2,900 SF
 Garage = 713 SF
 Total Living Space = 7,234 SF
 - Height of Proposed House = 30'

*** MD DEPARTMENT OF LABOR LICENSING & REGULATIONS ***

I do hereby certify that these documents/plans were prepared or approved by me and that I am a duly licensed Land Surveyor under the Laws of the State of Maryland.

*** DRAINAGE CERTIFICATE AND CERTIFICATE OF COMPLIANCE ***

I hereby certify that this plan conforms to the requirements of Subtitle 22, Division 2 of the code of Prince George's County Water Resources Protection and grading and that I or my staff have inspected this site and that drainage flows from other spill and property onto this site, and from this site onto the down-drain property have been addressed in substantial accordance with applicable codes.

01/18/2023
 Data
 NO TITLE REPORT FURNISHED
 PLAT SUBJECT TO RESTRICTIONS & EASEMENTS
 OF RECORD OR OTHERWISE.

William L. Meekins, Jr.
 Registration # 10593
 Expires: 03 - 23 - 2021

O-S ZONE REQUIREMENTS per Sec. 27-442 Regulations

USE	REQUIRED	PROVIDED	PER FOOTNOTE NUMBER
Net Lot Area	None	88,771 SF	19
Lot Coverage	None	8.55 %	8
Lot Width @ Front Building Line	None	200.06'	21
Lot Width @ Front Street Line	None	200.00'	21
Yard, Front	50'	82.3'	
Yard, Side	20'	20.5'/109'	
Yard, Rear	26'	30'	
Building Height (Max)	35'	30'	

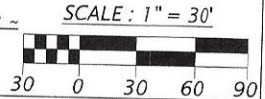
LOT COVERAGE BREAKDOWN/CALCULATIONS

Zoning = O-S
 Percentage of Lot Coverage allowed = None required per Sec. 27-442
 Lot Size = 88,771 SF
 Site Coverage: House = 2,900 SF
 Driveway = 4,680 SF
 Covered Porch = None
 Accessory Structure = None
 Total = 7,590 SF = 88,771 SF = 8.55%

~ APPLICANT/OWNER/DEVELOPER ~

VANCELLA BROADUS
 10718 Dragoon Place
 Clinton, MD 20735
 301-856-5161
 vancellal6@gmail.com

EXHIBIT
 16
 V-82-23



SEE SHEET 2 OF 3 FOR: ESD TO MEP WORKSHEET, BMP CHART, ROOF PLAN AND JOB NARRATIVE

SEE SHEET 3 OF 3 FOR: DRAINAGE AREA MAP, CENTERLINE OF STREAM, STEEP & SEVERE SLOPES, LANDSCAPE PLAN WORKSHEETS, AND PLANTING SCHEDULE

W. L. MECKINS, INC.
 11338 CROSS ROAD TRAIL
 BRANDYWINE, MD 20613
 301-271-7115
 www.wlmeekins.com
 REG. NO. 10593
 EXPIRES 03-23-2021

11TH ELECTION DISTRICT
 PRINCE GEORGE'S COUNTY, MARYLAND
 DATE: 01/19/2023 SCALE: 1"=30'

LOT 2
 CHELTEN WOODS
 PLAT BOOK CEC-52 @ PLAT NO. 03

BOARD OF APPEALS

APPROVED MAR 27 2024

ADMINISTRATOR

Prince George's County, Maryland
 Department of Permitting, Inspections and Enforcement
 APPROVED PLAN SET

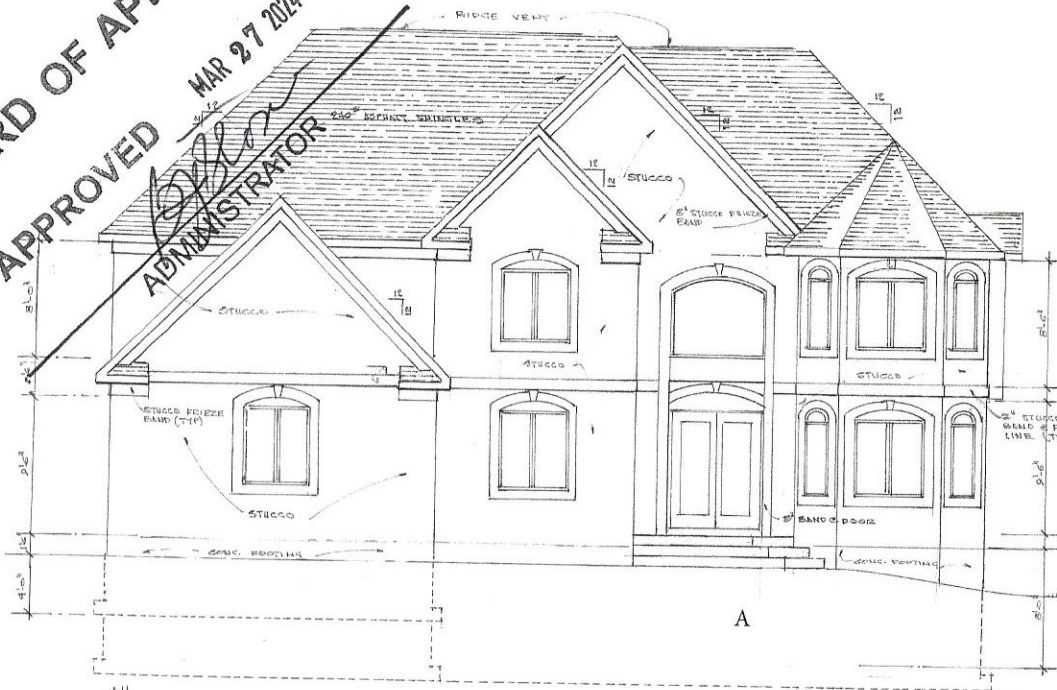
The Department of Permitting, Inspections and Enforcement has completed a review of this document for code compliance. As the preparation and content of this document must provide a record copy of these documents with their original seal, signature and date.

Case Name: CHELTEN WOODS, LOT 2
 Application Number (Per Approval by): 02908-2023-19R
 Permit Number:
 Issuance Date: 3/20/24
 Address: 11338 CROSS ROAD TRAIL BRANDYWINE MD 20613
 Lot(s) and Block(s): Lot and Block not found

DPI

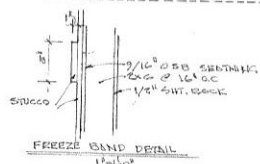
BOARD OF APPEALS

APPROVED MAR 27 2024
ADMINISTRATOR

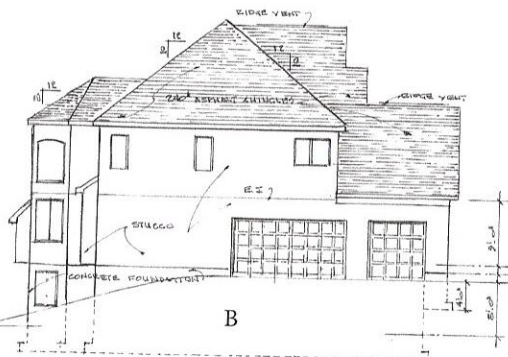


FRONT ELEVATION

1/4" = 1'-0"

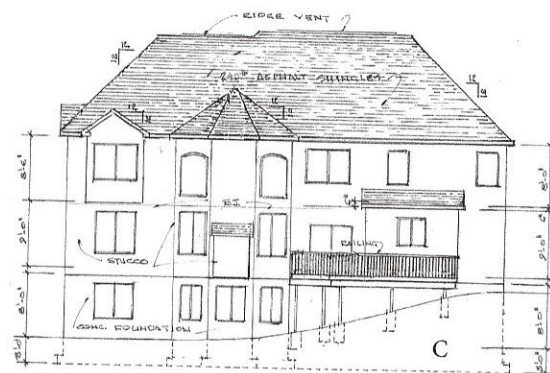


FREEZE BAND DETAIL



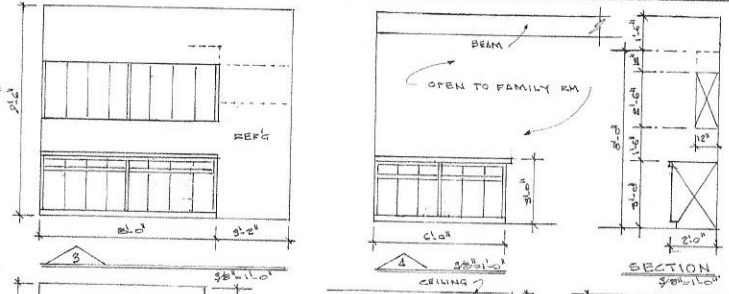
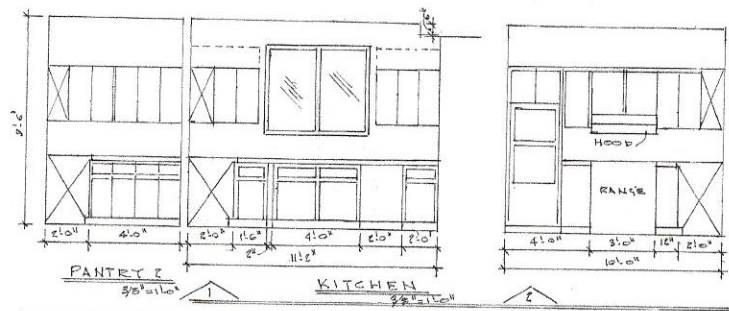
LEFT SIDE ELEVATION

1/4" = 1'-0"

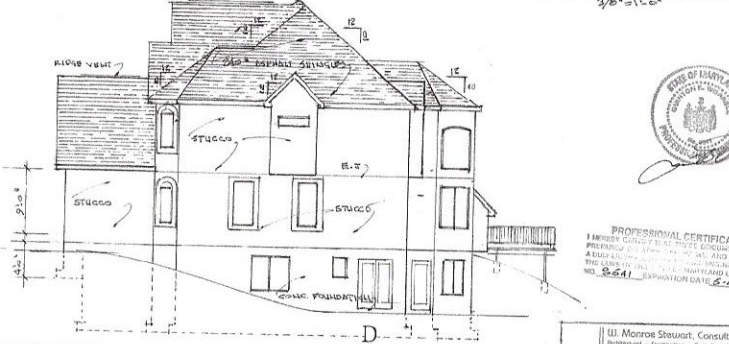
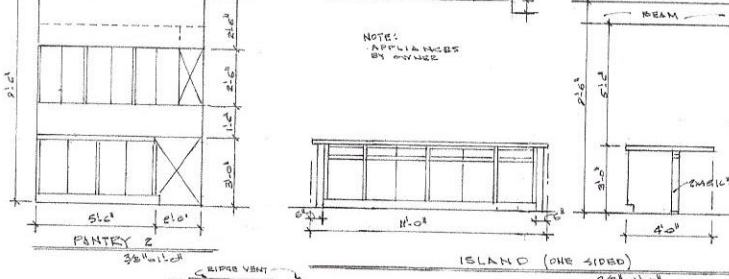


REAR ELEVATION

1/4" = 1'-0"



NOTE: APPLIANCES BY OWNER



RIGHT SIDE ELEVATION

1/4" = 1'-0"

EXHIBIT
3 (A-D)
V-82-23



PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED BY ME OR BY AN ARCHITECT THAT I AM
A LICENSED ARCHITECT IN THE STATE OF MARYLAND UNDER
THE LAWS OF THE STATE OF MARYLAND AND I HAVE
NOT BEEN REPEALED OR REVOKED
NO. 8641 EXPIRATION DATE 6-30-27

W. Monroe Stewart, Consulting, LLC
11338 CROSS ROAD TRAIL
BRANDYWINE, MD
A-9